

TRANSCRIPT OF GOVERNOR'S ADVISORY BLUE RIBBON PANEL

Florence, Arizona
February 26, 2004
11:17 a.m.

1 REPORTER'S TRANSCRIPT OF PROCEEDINGS was
2 taken on February 26, 2004, commencing at 11:17 a.m.,
3 at Florence/Eyman prison, Florence, Arizona, before
4 Marcella L. Daughtry, a Certified Court Reporter in and
5 for the County of Maricopa, State of Arizona

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7 PANEL MEMBERS:

8 Dennis Burke, Co-Chair

9 Herb Guenther, Co-Chair

10 Roger Vanderpool

11 Mike Branham

12 Leesa Morrison

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1 MR. GUENTHER: My name is Herb Guenther,
2 and I'm one of the co-chairs along with Dennis Burke
3 and Grant Woods. And the Governor has appointed us to
4 try to get as much information as we can about the
5 prisons -- the state of the prisons as they relate to
6 the working environment and safety in relation to the
7 most recent incident that we had, which was the hostage
8 situation at the Morey Unit at Lewis prison.

9 We have had four successful hearings where
10 a lot of your colleagues and coworkers have come
11 forward and made very good suggestions on how to
12 improve the safety on the working environment, and we
13 are looking forward to having some additional
14 consultation with you folks and take your suggestions
15 back, and hopefully -- I mean, the whole purpose of
16 this committee is to try to find ways to constructively
17 improve the Corrections' situation, both the working
18 environment and the safety of that environment, and so
19 we hope you will be very forthcoming and tell us how
20 you feel.

21 You are all protected from retribution
22 under the whistle-blowers tactics which are in place,
23 and we are not going to put up with any shenanigans
24 when it comes to retribution, so we do hope you will
25 speak your mind and tell us how we can make your

1 situation better.

2 And with that, I'll let Mike -- do you want
3 to say a few words?

4 MR. BRANHAM: Thank you. I'm Mike Branham.
5 I'm with the Arizona Criminal Justice Commission and
6 temporarily on loan over to Juvenile Corrections. I'm
7 looking forward to really hearing, as Herb pointed out
8 a moment ago, your specific comments about how to
9 improve things. As he has pointed out, these are very
10 good hearings. We have heard a lot of great
11 information that I think will ultimately result in you
12 getting the kind of tools and other kinds of training
13 and other issues that you really need to do a better
14 job, and we are looking forward to hearing from you.

15 SHERIFF VANDERPOOL: I'm Roger Vanderpool.
16 I'm the Pinal County Sheriff, your neighborhood. And,
17 you know, I hope that what comes out of the final
18 report from this panel will help, not only to get you
19 the pay and the equipment that you need, but also the
20 respect and the parity with law enforcement. And when
21 I say "law enforcement," I don't say other law
22 enforcement. You are law enforcement. Without the
23 jails and the prisons, there is really no need for the
24 street cops, and it's kind of the bottom line. It
25 needs to be -- it's one unit, one part of a large

1 system, and we need you men and women as much as we
2 need men and women on the street.

3 So please, you know, don't be bashful. I
4 know a lot of you in the room, and the ones I know in
5 the room are not bashful individuals.

6 Thank you.

7 MR. GUENTHER: And last but not least, we
8 saved the best, Leesa Morrison, the director of liquor.

9 MS. MORRISON: Good morning. We've heard
10 some sad stories; we've heard some great suggestions.
11 We've had a lot of people tell us how much they like
12 their job and that's why they are still an officer with
13 the Department of Corrections; otherwise, they would be
14 looking for jobs at other places. We have heard some
15 suggestions how to go about increasing pay, how to make
16 things more fair. I look forward to hearing from all
17 of you, any thoughts, suggestions, opinions that you
18 all have with regard to making this environment a
19 better workplace.

20 And also, part of the mission of this panel
21 is to hear any thoughts that you have about what took
22 place at Morey and any thoughts that you have with
23 regard to security there, the entire situation,
24 basically. So I echo what Herb has said with regard to
25 your candor. The panel is only as good as what you

1 share with us. So I look forward to hearing from all
2 of you.

3 MR. GUENTHER: Thanks, Leesa. Also, if you
4 will, when you take -- when you come up to the podium,
5 if you will just state your name and spell your last
6 name for the court reporter. The information is being
7 taken down verbatim, and it will be made part of the
8 record and also will be available for members who could
9 not make it today. They will have these transcripts to
10 be able to determine what you have said and use that as
11 we put the preliminary report together next week and
12 then decide where we are going to go from there. So
13 thanks for coming, and we'll just -- whoever wants to
14 go first. It's an open mike.

15 CO IV ROMWEBER: Hello. My name is
16 Jennifer Romweber, R-o-m-w-e-b-e-r, and I want to start
17 out by saying I'm proud to be a department employee.
18 I've been with the department for ten years. I look
19 around this room and I see a captain who I used to be a
20 CO I with, a sergeant I used to be a CO I with, a
21 person who works for protective services who I went
22 through the academy with, and I'm proud of all those
23 people.

24 I came to this department after working for
25 the -- after working for the City of San Diego, so I

1 had certain expectations when I came to work for this
2 department. I had received some excellent leadership
3 opportunities when I worked for the City of San Diego:
4 I managed a swimming pool there; I understood budget; I
5 understood managing employees. I also came to this
6 department as a college graduate. I graduated from
7 San Diego State.

8 It was very disheartening for me to find
9 out that if I had spent four years chipping paint off
10 the side of the boat for the Navy, that it would have
11 been regarded more highly than being a manager for a
12 swimming pool working for the City of San Diego
13 understanding public service and working in public
14 service and having achieved a college degree. That's
15 my gripe. Let me start there.

16 With that in mind, I'd like to say that
17 when it comes to the Department of Corrections, I have
18 great concerns when it comes to the promotional process
19 and the leadership training that we have. The good old
20 boy network is alive and well and is fantastic, if you
21 are a good old boy. It's not so fantastic if you value
22 the education that you have achieved and you are not a
23 person who is willing to succumb to the good old boy
24 network.

25 It's difficult. We promote people who have

1 never worked for the Department of Corrections to the
2 positions of deputy warden and ADW, and some of these
3 people come from military experience; some people come
4 from part of the law enforcement experience; some come
5 because they were good friends with the former
6 director, Terry Stewart; and some of these people have
7 succeeded, in my opinion, as an ADW and a deputy
8 warden.

9 One of the things about working here at the
10 Eyman complex -- and I have spent my entire career
11 working for the Eyman complex -- is that we have a lot
12 of people who come through here. It's considered a
13 great place for a person to learn how to be an
14 administrator. So I have seen people who have come as
15 ADW's having worked for the community, supervision,
16 such as Ray Martinez. I have seen people such as Clint
17 Lee who used to be with the Apache Sheriff's
18 Department. I have seen people such as Mike Miller who
19 came over from a -- working directly for the Governor
20 or things like that. And some of these people have
21 succeeded as ADW's and some haven't succeeded so well.

22 I think if we are going to bring people in
23 from the outside to act as ADW's and deputy wardens, we
24 need to be a little more judicious in the way we do
25 that, and we need to provide them some excellent

1 training, because these people are the ones we are all
2 looking to. And when you are looking to an ADW or a
3 deputy warden that doesn't quite seem to know what they
4 are doing, it can be very disheartening, and it can
5 lead to the troops not really knowing what direction
6 they need to go in.

7 Leadership training. I work in the
8 programs area. I am a CO IV. I was a CO III. I was a
9 Classification Officer. Until quite recently, we
10 didn't have a training program for people to learn how
11 to be a CO III. Since that training program has come
12 into effect, I have presented it as an instructor as --
13 as CO IV Turyan, who is here in the room.

14 It's been a great growth experience for me,
15 and I have taught people who had never been a CO III,
16 maybe had been a CO III for four weeks and people who
17 were CO III's for 20 years. Some of the people who
18 were CO III's for 20 years still were learning
19 something from that CO III academy. It says great
20 things for the CO III academy, but it says something
21 bad for the preparation that these people had for the
22 job they were in.

23 One of the main things that a correctional
24 officer person uses is the AIMS system. When you get
25 to put -- get put on the AIMS system, which is our

1 computer system, you are basically told this is how you
2 use your password, this is how you turn it on, and you
3 are set free. You don't know what screens are going to
4 do what. You are handed a book, possibly, if you are
5 very, very lucky, or you are handed a review sheet if
6 you are very, very lucky, that's sort of a cheat sheet,
7 but it doesn't tell you where to look for the
8 information; it doesn't tell you how to enter the
9 information; it doesn't tell you how to add to the
10 information or subtract from the information. So it's
11 a -- it's a training issue we really need to look at.

12 I got on this speaking about the CO III
13 academy. Great academy. We are also looking at
14 putting together a correctional administrator academy
15 that will assist people who move to CO IV and captain
16 and major and such. I know that's on the drawing
17 board, and I look forward to Director Schriro and John
18 Hallahan, who is our COTA commander, in putting that
19 together. I have high regard for Mr. Hallahan and what
20 has gone on with the training academy.

21 Our training academy seems to be improving
22 just by leaps and bounds with the leadership that we
23 currently have there. I have the opportunity to teach
24 at the COTA academy, and I greatly appreciate that
25 opportunity because it reminds me of the value of our

1 new employees coming in and the value of our training
2 academy. So I think leadership training is one of the
3 things that I would really like to see come out of this
4 panel.

5 It was very pleasing to me yesterday to
6 listen to the Director on the national public radio and
7 have her say that she is looking to the National
8 Correctional Institute for assistance. And I hope that
9 she looks, not only for assistance in reviewing and
10 improving our classification system, but in other
11 areas. Having had the opportunity to take some of
12 those classes from the National Institute, I understand
13 the value.

14 That gets me on to areas where I think we
15 as a department have some broken systems. First would
16 be the IPP slash Master Pass system. Second would be
17 QWL, which is our quality of work.

18 MS. MORRISON: What are those?

19 CO IV ROMWEBER: IPP, Inmate Program Plan
20 slash Master Pass, the dream child of our former
21 assistant director, Chuck Ryan. QWL, Quality of Work
22 Life, which is what we instituted when we saw the
23 pendulum had possibly swung into the direction of us
24 being a little too punitive in the way that we dealt
25 with our staff.

1 The classification system, which as the
2 director mentioned on the radio yesterday, we haven't
3 revised fully as a system since -- I believe she said
4 1991, and the revisions that we have done to our
5 classification system, in my opinion, as a former
6 Classification Officer, have not been to improve the
7 system; they have been to make the system easier for
8 people, quicker, less cumbersome.

9 The Protective Segregation policy, which is
10 the -- my current job. I'm the complex PS supervisor,
11 and I see what happens with our Protective Segregation
12 policy. Inmates who know how to manipulate can manage
13 to get themselves into Protective Segregation and keep
14 asking over and over and over again and making up
15 stories, in my opinion, and working their way into
16 Protective Segregation. And the two inmates that took
17 our officers hostage were Protective Segregation
18 inmates.

19 Then the property. The reason I bring up
20 property is because we have people who are not in the
21 field who are making up or instituting or putting
22 together, whatever would be the best term to use, some
23 of our policies. Property I bring up because on
24 October 12th, 2002, 2003 -- I don't remember what day
25 it was -- we did the sunset clause on changing from

1 having a lot of old property that inmates could keep
2 into our new more slimmed down property policies.

3 One of the things that went away were fans.
4 Now, yes, inmates have dreamed up and made weapons out
5 of fans, but I challenge anybody in the State of
6 Arizona to show me that they don't have a fan in their
7 house. And when you put 32, 34, 36 inmates on the run
8 and you take away all the fans and it's a run that was
9 designed for 24 or 26 inmates to live on, you've really
10 created a stagnant environment there.

11 We have, what, seven months a year where we
12 have hot weather. What kind of a hotbed of hostility
13 are we trying to create by taking away the fans from
14 inmates? An inmate misuses a piece of property, we
15 take it away from them, but do we go out and cause
16 problems for ourselves by changing our property policy
17 in such a way that we make unhealthy, in some ways,
18 possibly horribly uncomfortable inhumane conditions
19 with our property policy?

20 IPP Master Pass. IPP Master Pass, again,
21 was the master thesis or doctorate thesis of our former
22 assistant director, Charles Ryan. Mr. Ryan felt that
23 he saw a problem and he felt that he had the ability to
24 correct that problem. I would contend that we didn't
25 have quite the problem that Mr. Ryan thought we had.

1 We had a problem with people not following systems that
2 we had in place at the time. If we had followed the
3 systems that we had in place at all times, we would
4 have known where inmates were at all times. We for
5 years had inmates who left their work area, left their
6 living area and signed in and signed out.

7 We have not enforced that CO II's,
8 sergeants, lieutenants, captains, CO IV's, CO III's and
9 such actually use that documentation. So what do we
10 do? We went out and we bought some very expensive
11 computers. We got some very expensive software, and we
12 started using two or three reams of paper a day to
13 present documents to people so that inmates would
14 always have to be on a Master Pass system and the IPPC
15 system. We basically took what we were already doing
16 and put it on paper and created a gigantic amount of
17 paper usage.

18 The Quality of Work Life. We instituted a
19 program, Quality of Work Life, and what we did is we
20 said we are going to go easier on the staff; we are
21 going to go easier on everybody; we are going to make
22 life a little bit better. When you ask a question of
23 your deputy warden and the assistant director or the
24 director happened to be around, they are going to give
25 you a little coin. Okay? It didn't make a lot of

1 sense to me, and it really -- we swung from being too
2 draconian in the way that we applied our discipline to
3 our employees to, in my opinion, being very
4 lackadaisical in the way that we did it. We wanted to
5 keep staff so we discontinued the way that we held
6 staff accountable for what they did.

7 MR. BURKE: When did that swing occur?

8 CO IV ROMWEBER: That swing occurred, I
9 would have to say October of -- I got disciplined under
10 the prior policy, and I got to see what everybody else
11 got away with under the new policy, let me be a little
12 honest. So I'm going to say that it was the end of
13 2000. Okay? It was amazing to me.

14 The classifications system. We have -- we
15 have a classifications system, and we have a long
16 policy to follow our classification system, but what
17 we've done is we found that the people who sign off on
18 those actions at the central office were overburdened
19 with the amount of work they had to do. Possibly it
20 was because they were not properly trained in that job.

21 We then decided that we would lessen the
22 paperwork, and that's great because I love to save
23 trees. I'm all for lessening all the paperwork. But
24 what happened is is that we took a checks and balances
25 policy where recommendations were made by your

1 Classification Officer, they were signed off by your
2 deputy warden or your associate deputy warden, and then
3 that checks and balances was descended down to central
4 office where it was again checked by a CO IV or a
5 classification manager.

6 We pretty much did away with that. We now
7 allow the deputy warden and ADW's in many cases to sign
8 off on their own actions, granted it is going to be
9 actions where the inmate makes no movement, where there
10 are no changes, but we have gotten away from that
11 checks and balances. We give this to ADW's and deputy
12 wardens that possibly have not seen these kind of
13 actions before. Yesterday, they were a captain, and
14 today, they are an ADW. They might not be fully versed
15 on the classification policy.

16 And so we have -- we have a tendency to
17 rely on our staff. And I'm fallible, and I think that
18 there are other people at this department that are
19 fallible, and I think it's good if there are some
20 checks and balances out there, so I'd like to see a
21 revision of that classification system.

22 I mentioned earlier manipulation in the
23 Protective Segregation policy. We want to keep these
24 inmates alive. They need to be protected from
25 themselves. They do things that cause themselves a

1 great bit of difficulty, and yes, some of them do need
2 to be protected, so I wish I could give you the answer
3 as to how we can correct our current segregation
4 policies. It's become a bit cumbersome, and the
5 inmates have learned this is a great way to manipulate
6 their movement, and that's what I see them doing.

7 My third main point is staffing over ten
8 years versus the population. As I mentioned earlier, I
9 started with some of the people in this room. I
10 started at Meadows Unit. I was among the first classes
11 to graduate to help and implement opening that Meadows
12 Unit. When we opened Meadows Unit, it was designed, I
13 believe, for 880 inmates. Meadows Unit currently
14 houses 1,036 inmates. I might be off by a few numbers
15 there.

16 We had great staffing back then. We had a
17 floor officer for every building. We had control room
18 officers in every building. We had two or three yard
19 officers. We had floater officers. We had escort
20 officers. Now, that unit has 200 extra inmates -- 300
21 extra inmates. They no longer have floor officers in
22 every building. They no longer have two, three yard
23 officers. They no longer have those rovers. They no
24 longer have those escort officers. Why have we grown
25 our population and decreased our staffing?

1 We went from using terms like critical
2 minimum to D-level staffing. In the first three years,
3 I saw the terms changing and then the numbers changing.
4 And it -- there was no rhyme or reason to it. We've
5 created a less safe environment.

6 I've been lucky that I'm in the programs
7 because we've not actually taken away programs
8 officers. We have increased the inmates, so we have
9 increased the caseload of our programs officers, but we
10 haven't, in general, decreased the amount of programs
11 officers, other than IPP needing to have a specific
12 CO III for it.

13 So I'd like that to be looked at, you know,
14 over just the ten years that I've been here, we have
15 grown our population and decreased the amount of
16 staffing we had to cover that population.

17 And with that, I would just like to say
18 that I'm really glad to have Director Schriro here. I
19 look forward to the opportunities that a new director
20 will present, and I look forward to growth in our
21 programs.

22 I would have to agree with Donna Hamm, and
23 that does cause me a little bit of difficulty to say
24 that, but we need to have more programs. We need to
25 get away from being a lock them up and throw away the

1 key and actually maybe do some rehabilitation.

2 Thank you for your time.

3 MR. BURKE: Ma'am, we have some questions.

4 CO IV ROMWEBER: I'm so sorry.

5 MR. GUENTHER: When you say the good old
6 boy network is alive and well, is it still the old
7 school is in control?

8 CO IV ROMWEBER: Well -- well, it's -- of
9 course it has had to go underground a little bit, in my
10 opinion, but no, it hasn't decreased. I don't want
11 to -- I don't want to, you know, throw anybody
12 under the bus, as we use the term to be, but I have
13 people in my mind who have achieved positions in either
14 a very short amount of time without putting in their
15 time, based on who they know, who they spend time with.
16 I mean, we have deputy wardens whose claim to fame
17 isn't coming up through a unit. It isn't being a CO II
18 or being a CO III or being a captain or being a CO IV;
19 it's coming from some outside agency or it's coming
20 from community corrections or it's coming from another
21 area within our department.

22 MR. GUENTHER: Okay.

23 CO IV ROMWEBER: But they dated the right
24 people or they hung out with the right people or they
25 rode the right motorcycle. I mean -- the one thing I'm

1 known for is not holding my tongue too much, so if I'm
2 being a little overboard, I apologize, but I'm going to
3 speak my mind.

4 MR. BRANHAM: Let me ask a follow-up
5 question. If you could change the promotional policies
6 and practices right now, what would you do?

7 CO IV ROMWEBER: I would look at education.
8 Education isn't currently looked at. I would look at
9 experience people have outside the Department of
10 Corrections in leadership. I would look at their
11 reviews by their subordinates, possibly, because who is
12 going to know how you are as a supervisor better than
13 the people you have supervised. And I don't -- I think
14 it is perfectly all right to actually ask a deputy
15 warden, an ADW, a captain or CO IV to be able to put
16 their thoughts down in a coherent manner without
17 spelling errors and punctuation errors.

18 MR. GUENTHER: Did you -- since you have
19 been a Classification Officer, if you had the freedom
20 to write a new classification system, how would you
21 change the existing?

22 CO IV ROMWEBER: I -- I think that we need
23 to look more at how these inmates, their disciplinary
24 history over the whole, has affected their ability to
25 be on certain units. I would -- currently, we just

1 look at their behavior from the last six months, and if
2 you have been really good for the last six months, then
3 you get to move down. If you haven't been good for the
4 last six months, then you get to move up.

5 I wish I could remember who brought it to
6 me yesterday, but there was an idea that I hadn't
7 thought of before, which is, if an inmate currently is
8 sitting in minimum custody and they accumulate three
9 major tickets, and that could be smoking in the wrong
10 place, throwing the cigarette butt down and telling the
11 CO to, you know, put it in their pipe and smoke it,
12 they can go from living at Picacho, North Unit, Apache,
13 to all of a sudden being appropriate for SMU I.

14 Now, that's not a proper use of a
15 level-five bed just because this inmate had a wild hair
16 one day and smoked a cigarette in the wrong place and
17 just showed total disregard for the CO and threw the
18 cigarette on the ground.

19 What about the concept of an inmate moving
20 up in their P&I score, as well as in -- so you go from
21 living in a minimum custody to messing up, not hurting
22 officers, not hurting other inmates, not drug use, but
23 in just the kinds of things that inmates can
24 accumulate, three minor disciplinaries in a 90-day
25 period, those kind of things, to moving up from a

1 minimum custody to a medium custody. And if they mess
2 up, then they would move up to a level-four
3 institution. And then if they -- by increasing their P
4 score to a four at that time -- going from a P-2 to a
5 P-3, therefore, minimum custody to a medium custody,
6 going from a three to a four based on major
7 disciplinarys that are not life-threatening or true
8 security violations, to going to a level four, and then
9 if they continue to mess up, going to a level-five bed.
10 I would do that.

11 I would suggest that -- it seems very
12 interesting to me that currently a deputy warden can
13 make a decision as to where they feel the inmate who
14 they see every day and who they manage every day should
15 go, and that deputy warden's decision can be
16 countermanded by a CO IV when it goes down to central
17 office. The last time I looked, deputy wardens
18 outranked CO IV's. Possibly, a deputy warden's
19 decision should be highly regarded and not have the
20 ability to be overridden by a CO IV.

21 MR. BURKE: Do you have a sense of how
22 often that happens?

23 CO IV ROMWEBER: I would say if a deputy
24 warden makes a decision that is currently outside the
25 matrix, that that decision is countermanded 50 to 75

1 percent of the time by that CO IV.

2 MR. BURKE: Wow.

3 MR. GUENTHER: Thanks for the information.

4 Now, on the manipulation of Protective Segregation, do
5 you have any recommendations on how that might be held
6 better in check?

7 CO IV ROMWEBER: Currently, we have some
8 time restraints when it comes to reviewing an inmate in
9 Protective Segregation, and I think that possibly we
10 need to spend a little more time in our process. We,
11 the CO IV, has to go down and interview that inmate in
12 a 24-hour period. Then CIU has to interview that
13 inmate in, I believe, a 10-day period. Once CIU
14 finishes their investigation -- and they are the police
15 officers who have the ability to do that
16 investigation -- then it goes to a deputy warden who
17 will make recommendations.

18 Well, here at the Eyman complex, at any one
19 time, I would say we have 50 or 60 inmates in play in
20 the Protective Segregation policy. We have --

21 Bi Bi, how many do we have in CIU?

22 MS. PADILLA: You mean investigators?

23 CO IV ROMWEBER: Yes.

24 MS. PADILLA: We have four investigators
25 and one supervisor here at Eyman.

1 CO IV ROMWEBER: Four investigators and one
2 supervisor. So how much time are those investigators
3 given to truly investigate that issue? Okay? They
4 have to stay in that time frame. We are under federal
5 mandate. We have to stay in those time frames. So
6 these investigators may not be given the proper amount
7 of time to do the investigation necessary. Then when
8 that goes to the deputy warden, the deputy warden has
9 to take 24 hours to put together that do-not-house memo
10 and their decision. Some of these guys have files that
11 are this thick, and a deputy warden, such as the one at
12 SMU II, Conrad Luna, may have five or six of those a
13 day.

14 Now, Mr. Luna has some very important
15 things to do when he is running a level-five
16 institution in addition to reviewing these PS files.
17 Mr. Trujillo then gets all of that from the complex and
18 he has to make his recommendations. Mr. Trujillo is
19 running quite a few units here. He has some issues
20 going on here every day with two level-five
21 institutions and three sex offender units. So we need
22 to give these people who are making these decisions a
23 little more time.

24 MR. GUENTHER: Okay. Thank you.

25 MR. BURKE: Your comment about the 50 to 70

1 percent of the reclassifications by a CO IV to a deputy
2 warden's decision, are those predominantly rejecting a
3 lower classification or a higher classification or
4 both?

5 CO IV ROMWEBER: I can't -- I can't answer
6 that because it is definitely a mix. Two, three weeks
7 ago, we -- I sat in on a meeting that Mr. Trujillo was
8 running, and we were talking about this exact thing.
9 We have an inmate who has managed to get himself up to,
10 I believe, it's a 4-5. It might be a 3-5. So he would
11 be appropriate for SMU I, but we are being told no, he
12 has to stay on that level-three yard; no, he needs to
13 stay on that level-four yard. Well, I believe that the
14 deputy warden, the CO IV and the warden at this complex
15 understand this inmate. They understand what he is
16 doing, and they understand how to manage their yards.

17 Oftentimes -- and I have heard this in the
18 ten years I have been with this department -- deputy
19 wardens need to be allowed to run their yards; wardens
20 need to be able to run their complexes. Okay? We need
21 the checks and balances, but sometimes we need to
22 believe in the fact that Ernie Trujillo, who has come
23 up through the ranks, knows how to run a complex.

24 MR. BURKE: Your comment earlier about
25 swaying from being too draconian to now being too

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1      soft --
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2 CO IV ROMWEBER: Give away the farm.

3 MR. BURKE: And you indicated that happened
4 around the end of 2000. Can you explain a little more
5 as to what you meant by that swaying.

6 CO IV ROMWEBER: Well -- well, we -- we --
7 and again, I got myself into a bit of trouble right
8 around that time. I was under investigation for almost
9 eight months for something that probably could have
10 been handled in a much quicker manner, and that was
11 happening statewide. The investigation logs were very
12 long. The time it took to investigate a staff member
13 was very long, so we decided -- well, the department
14 decided to shorten the amount of time. And in fairness
15 to the staff, that's great, because being under
16 investigation for eight months is no picnic for any of
17 us. And I greatly would have appreciated for that to
18 have not happened to me possibly.

19 But when we -- when we sped it up and we
20 decided to -- we decided to let some things go. I
21 mean, I saw a case of a staff member who lied on their
22 pay sheet. They said they were at work and they
23 weren't at work. Well, that officer happened to be a
24 CO II, and that officer ended up with a (indicating)
25 naughty, naughty. Don't do that again.

1 Well, I used to work for the Department of
2 Defense when I was a lifeguard. You lie on a pay
3 sheet, that's fraudulent. That's big trouble. You
4 don't lie on a pay sheet. I'm not going to take money
5 that's not owed to me, and if you catch me taking money
6 that's not owed to me, I think maybe a little more than
7 a swinging finger at me is what I'm going to get.

8 You have people who -- who committed acts
9 that are not within the letter of the law who --
10 possibly, again, the good old boy network comes into
11 this one. It depends on who your supervisor is.
12 Sometimes if you have the right supervisor, it is like
13 boys will be boys or, you know, it was a mistake. He's
14 going through a divorce; she's going through a divorce.
15 Well, they are having a child custody case, those kind
16 of things. If we are going to be professionals, we
17 should act like professionals and be held as
18 professionals.

19 MR. BURKE: Thank you.

20 MR. BRANHAM: Thanks.

21 CO IV TURYAN: My name is David Turyan,
22 T-u-r-y-a-n. First of all, I'd like to say thank you
23 to you members of the panel for being here, taking the
24 time to come here and taking the time out of your busy
25 schedules to be here and be part of this. I heard

1 Mr. Branham say that you are taking it seriously, so I
2 appreciate that, as well as everybody else in the state
3 of Arizona, so I want to start off by saying thanks.

4 I also want to say thank you to Governor
5 Napolitano and Director Schriro for facilitating and
6 enabling the Blue Ribbon Panel, which is conducting
7 public hearings, soliciting input and comments to
8 gather information concerning how to prevent
9 circumstances that will lead to another hostage crisis
10 as occurred out at the Lewis Unit.

11 I respectfully submit the following
12 comments to this panel. Number one, there should never
13 be only one option for trying to obtain the release of
14 hostages taken by inmates incarcerated by ADOC.
15 Sometimes, an immediate armed response is required and
16 action while other situations require patience and
17 time. Determine the response to be used based on the
18 situation.

19 Number two, never give in to pressure from
20 the public law enforcement agencies, staff or hostage
21 family members that will lead to the wrong response.
22 The decision for immediate armed response or patience,
23 waiting the hostage takers out, must be made by the
24 incident commander commanding the incident with input
25 from appropriate support entities. Pressure, political

1 or otherwise, leads to bad decisions and catastrophic
2 results.

3 Number three, the outcome of this recent
4 hostage crisis was ultimately the correct outcome as
5 directed by the incident commander responsible for
6 overall command. Any other suggestions/input for other
7 action -- rushing the tower with an armed response,
8 shooting one of the hostages, et cetera -- would most
9 probably have resulted in the death of the hostages or
10 other tactical responders.

11 Number four, too much emphasis is placed on
12 overall cleanliness of complexes slash units, assuming
13 that if administrators pay attention to cleanliness,
14 other aspects of overall security of the unit is being
15 maintained and accomplished. This is not the case.
16 Radios do not work in all instances. Cameras do not
17 work in all instances. Officer station doors are not
18 always secured preventing inmate access. Staffing is
19 woefully short. Turnover of key staff correctional
20 officers is atrocious. Pay to recruit and keep key
21 staff, all staff, is inadequate and not being
22 substantially -- and not getting substantially better.
23 Shortcuts concerning security are constantly taken due
24 to time pressures and staffing pressures with the
25 exception being that you get the job done any way that

1 you can.

2 Training. Yearly mandatory training, as
3 well as training received at the correctional officers
4 training academy, is lacking. Training simulations
5 conducted in the units on a routine basis are not taken
6 seriously, and staff merely go through the motions of
7 responding to and carrying out the required steps
8 required during the simulation.

9 Classification of inmates is requiring less
10 review of classification actions and decisions, and in
11 many instances, inmates are no longer required to
12 attend their own classification actions which then do
13 not afford the classification staff the opportunity to
14 be able to interact with the inmate in person to help
15 determine the inmate's attitude and willingness to
16 adhere and comply with the department policy. And the
17 Protective Segregation review slash selection process
18 is blurred with the housing of involuntary and
19 voluntary Protective Segregation inmates in the same
20 housing units and units regardless of their Protective
21 Segregation status. And the list goes on and on.

22 The ADOC may have the cleanest prison
23 units, but we do not have the most secure units, as
24 evidenced by Officer Lumley's death in the recent past,
25 this recent hostage crisis and numerous inmate on staff

1 assaults that have occurred over the past several years
2 and are continuing to occur.

3 A lack of real security is not wholly
4 attributable to Director Schriro, as she has inherited
5 this failing system from past administrations that put
6 emphasis on looking good at the expense of sound
7 security staffing practices. While she holds ultimate
8 responsibility as current director, these security
9 deficiencies leading up to the recent hostage crisis
10 was inherited.

11 Sergeant Masella, president of the Arizona
12 Correctional Peace Officers Association, AZCPOA, needs
13 to be commended on speaking out during the hostage
14 crisis in support of staff, all staff, not just union
15 members, about low staffing of units, hiring practices
16 of accepting applicants who may not always meet the
17 minimum standards of employment and dedication to the
18 job and inadequate pay leading to more qualified people
19 not applying for ADOC positions, in particular,
20 correctional officers series positions.

21 Sergeant Masella helped to ensure that
22 staff members responding to the hostage crisis at
23 ASPC-Lewis were fed with approximately 75 pizzas paid
24 from AZCPOA funds, as these staff were not fed for up
25 to three days after being on the job as Tactical

1 Support Unit, TSU members.

2 The Governor, Director, as well as every
3 member of the Arizona State Legislature should
4 encourage people like Sergeant Masella, as well as
5 every staff member and union member, to speak out about
6 problems with security experienced while working on the
7 job. ADOC, while on paper may encourage individuals to
8 identify problems through the use of information,
9 reports, etc., the reality is such that major security
10 deficiencies are to be addressed at the lowest possible
11 level, if at all, with no real method in place to
12 ensure that these deficiencies are corrected or are
13 being corrected by upper management staff.

14 The United States of America was built on
15 the backs of labor and labor unions which have helped
16 to make the workplace safe for all of us who have come
17 after those union members. Members of AZCPOA should be
18 rewarded for speaking out to try to get security,
19 recruiting and pay deficiencies corrected, as this only
20 leads to a safer workplace with better qualified and
21 trained staff in the workplace.

22 Kudos to the Director for permitting AZCPOA
23 representatives to post union information on employee
24 bulletin boards and for permitting the recruiting of
25 union members at the correctional officers training

1 academy; however, recruiting of union members needs to
2 be expanded to other units on State property on a
3 regular basis, perhaps in the unit's lobby, as a
4 nonthreatening way of letting every employee know that
5 there is a union representing the welfare of the
6 employees working in the prison units. Many voices,
7 union members, are in a better position to have
8 problems affecting security addressed by the ADOC
9 administration and should be encouraged as a means to
10 help address those security deficiencies.

11 Number six, in the past under Director
12 Stewart, a hotline was set up so that staff identifying
13 security lapses and deficiencies could report repeat
14 security lapses and deficiencies that were not being
15 addressed through the internal reporting system
16 currently in use in the units.

17 The writing of information reports. This
18 method of reporting security lapses/deficiencies
19 through the use of the hotline needs to be readvertised
20 so that staff identifying lapses and deficiencies have
21 another means to do so if these lapses/deficiencies are
22 not addressed through the use of the information report
23 system currently in place and being utilized.

24 I would also recommend that the use of the
25 hotline be made available to staff without the current

1 requirement of having to write an information report
2 first, who are fearful of being retaliated against,
3 movement from one unit into another unit, having their
4 regular days off/shift changed, fired, et cetera, for
5 using the information report system to identify those
6 lapses and deficiencies.

7 Staff should be able to report security
8 lapses and deficiencies to a security hotline through
9 which these lapses and deficiencies are then reported
10 down the chain of command from the directors, deputy
11 directors, division director's level, for example, to
12 the warden of the affected complex who would then
13 ensure that the problem is addressed and fixed.

14 While some may say that the information
15 reporting system is adequate and should only be the
16 system used, it is apparent that this one-dimensional
17 system is not working for different reasons. Some of
18 those reasons are, A, staff are intimidated from
19 reporting security lapses and deficiencies and, B, not
20 all security lapses and deficiencies reported are
21 addressed and corrected; C, there is no oversight,
22 other than the unit deputy warden addressing security
23 lapses and deficiencies, which in many instances, are
24 not addressed until too late and a death of a staff
25 member occurs, Officer Lumley, or other situations

1 arise such as a hostage crisis, staff assault or escape
2 occurs.

3 Number seven, one of the major areas that
4 is to be addressed as a result of this resent hostage
5 crisis is the classification system currently in use by
6 ADOC. I believe that the current classification system
7 used by ADOC was a major contributor that led to the
8 hostage crisis. I believe this for the following
9 reasons: A, not all classifications actions are being
10 reviewed independently by central office classification
11 staff. Many classification actions, known as remain
12 present status, are being accomplished within the units
13 for inmates who are not expected or will not have
14 classification scores reduced or increased, nor have a
15 change in location recommended. These actions are then
16 signed off by the unit administrator and processed
17 within the unit never being independently reviewed by
18 central office classification staff.

19 B, on the reclassification score sheet
20 form, there's a statement that states that, "Based on
21 an institutional file review and AIMS record review
22 prior to classification hearing," -- and there's more
23 to it -- "directing that classification chairpersons
24 conduct an institutional file review and an AIMS file
25 review of the inmate's record prior to conducting a

1 classification hearing."

2 In many instances, these reviews,
3 institutional file review and AIMS record review, are
4 not taking place prior to the classification hearing
5 nor during the hearing. It is the institutional file
6 review and AIMS record review in conjunction with
7 talking to the inmate being classified in person that
8 helps to determine the correct classification change,
9 if any, or remain present status action recommendation
10 to occur. Without these reviews taking place, it is
11 very difficult to make the correct recommendations on
12 the reclassification score sheet.

13 C, in the past, approximately four years
14 ago, staff were assigned and promoted to the permanent
15 position of Classification Specialist I in the field or
16 a Classification Specialist II, central office
17 classification, whose sole responsibility was to
18 reclassify inmates as part of a comprehensive and
19 thorough classification review, which occurred for
20 every inmate face-to-face every 180 days.

21 Over the past several years, the positions
22 of Classification Specialist I and Classification
23 Specialist II have been eliminated, demoting and
24 promoting those staff into those positions such as
25 Correctional Officer III or Correctional Officer IV,

1 respectively.

2 Now classification is performed by
3 Correctional Officers III in the field and by
4 Correctional Officers IV at central office. These
5 staff move from unit to unit and position to position
6 much more frequently as Correctional Officers III.
7 They may perform classification for six months to a
8 year to two years.

9 In the past, a classification specialist
10 had the responsibility of performing classification in
11 their assigned unit for the rest of their career, if so
12 desired. Stability in this position ensured that the
13 Specialist I became familiar with the inmate being
14 classified and familiar with the inmate's institutional
15 file and AIMS record. This is no longer the case.
16 Continuity and stability and understanding of the
17 inmate is gone. The inmate is just a name and number
18 now with classification scores being looked at on an
19 RCSS.

20 I believe that this complacency and lack of
21 understanding of the inmate is the result. Every
22 inmate is just now another inmate, and every number is
23 just another number. I recommend that the positions of
24 Classification Specialist I and Classification
25 Specialist II, if not supervising any subordinate

1 staff, be implemented immediately to correct the above
2 deficiencies.

3 MR. BURKE: Officer, we'll definitely
4 submit the whole thing, and we'll submit it all on the
5 record. This is very good stuff, but I think you might
6 tire her out before you are done there. You have
7 several pages to go, and can we ask you a few
8 questions?

9 CO IV TURYAN: Let me read the one about
10 Protective Segregation and then I'll stop there.

11 MR. BURKE: Sure. Okay. And all of this
12 will be entered into the record, and all the members
13 will read it, but it will give us the time to spend a
14 little more time with questions.

15 CO IV TURYAN: I'll just read the
16 Protective Segregation and I'll stop right there.

17 I believe that the Protective Segregation
18 review process DI 67 needs to be reviewed. Currently,
19 there is no logistical distinction between an inmate
20 requesting voluntary PS and an inmate being placed into
21 the involuntary PS review process. In many instances,
22 due to a lack of bed space availability, inmates are
23 segregated from general population inmates and housed
24 in a detention unit pending PS review, and from there,
25 voluntary PS inmates and involuntary PS inmates are

1 sometimes housed together.

2 In one instance, you have an inmate who
3 wants to be in the PS review process, voluntary, and in
4 another instance, you have an inmate who does not want
5 to be in the PS process, involuntary. Mixing these two
6 types -- different types of inmates, this is a security
7 deficiency, as many staff believe that inmates in the
8 PS review process and ultimately Protective Segregation
9 want to be there and will cooperate with staff;
10 however, this is not the case as evidenced by the
11 hostage crisis at Lewis.

12 Currently, involuntary and voluntary
13 Protective Segregation inmates are housed together
14 regardless of their status while the majority of
15 inmates in Protective Segregation have voluntarily
16 requested Protective Segregation. Some inmates in
17 Protective Segregation have not requested to be there.
18 While staff should always be aware that an inmate is an
19 inmate, mixing inmates of different Protective
20 Segregation statuses leads to an overall security
21 complacency. This is not only a security deficiency
22 for staff but also for inmates who voluntarily
23 requested PS in the first place to get away from some
24 inmates who have managed to obtain involuntary PS
25 status.

1 I recommend that this policy of housing
2 voluntary PS inmates with involuntary PS inmates in the
3 same cells on the same units be looked at and
4 addressed, as the potential exists for this security
5 complacency to exist. Staff working on a level-two
6 unit minimum custody react to and treat inmates
7 differently than they would if staff were working on a
8 level-five maximum custody unit. Staff are aware that
9 minimum custody inmates do not pose the same public
10 risk and institutional risk to them as maximum custody
11 inmates. The same should also apply to voluntary PS
12 inmates and involuntary PS inmates. Staff need to know
13 which inmates want to be in voluntary Protective
14 Segregation and which inmates do not want to be in
15 Protective Segregation. I recommend this issue be
16 addressed and corrected.

17 All right. Thank you.

18 MR. GUENTHER: Thanks, David. Good job.
19 And the recommendations are very precise and to the
20 point.

21 Do you have any questions?

22 MR. BURKE: Yeah. I have a few questions.
23 They are excellent recommendations.

24 Officer, on the last one you read, number
25 8, you say where you are talking about Protective

1 Segregation and distinguishing between voluntary PS and
2 involuntary PS, you know, that this -- you quote,
3 "However, this is not the case, as evidenced by the
4 hostage crisis at Lewis," closed quote. I assume you
5 are referring to the fact that Coy and Wassenaar were
6 -- one was voluntary and one was involuntary.

7 CO IV TURKIN: Yeah. I didn't know if I
8 was allowed to divulge that information, but that's
9 correct.

10 MR. BURKE: Can you give me a little
11 background on -- this is your recommendation, number
12 eight, and you say that is a problem, housing them
13 together. Can you give me some thought as in the
14 context of those two?

15 CO IV TURKIN: Well, just in general. I
16 don't want to take too much of your time up. An inmate
17 in involuntary Protective Segregation does not want to
18 be there. That's a security threat to staff. That's a
19 security threat to other inmates who are in the same
20 housing units, same buildings, same living facilities
21 with inmates who want to be there, voluntary Protective
22 Segregation, and, you know, that's regardless of the
23 hostage crisis. The potential also exists for inmate
24 on inmate assaults, inmate on inmate deaths and so
25 forth; inmate on staff assaults by inmates who do not

1 want to be there. So I'm not sure if that answers your
2 question.

3 MR. BURKE: Thank you. You say in
4 recommendation four -- let's see if I have this right.
5 Quote, "A lack of real security is not wholly
6 attributable to Director Schriro, as she has inherited
7 this failing system from past administrations that put
8 much emphasis on looking good at the expense of sound
9 security staffing practices," closed quote.

10 What are you referring to when you talk
11 about looking good at the expense of sound security
12 staffing practices?

13 CO IV TURKIN: Well, to clarify that,
14 cleanliness in a prison system is obviously needed and
15 necessary for health reasons, sanitary reasons and
16 safety reasons; however, it is my opinion that
17 cleanliness is getting a much higher priority in
18 consideration to lack of equipment that works, to
19 lacking of locks that work, to lacking a following of
20 safety procedures, post orders in which doors are
21 supposed to be secured in officer stations and so
22 forth. In looking at classification in which -- in my
23 opinion, we should have an inmate sitting down in front
24 of us to determine what his attitude is or help
25 determine the attitude and so forth.

1 Staffing. Critical minimum staffing, all
2 those things and much, much more, are just as
3 important, if not more important, than the number of
4 trash -- the amount of trash that we have on the yard,
5 the weeds. I'm not saying that those things do not
6 need to be taken care of, they do, but I believe it's
7 given much, much, much more emphasis than it is
8 compared to the other things that I have mentioned:
9 radios that don't work, flashlights that don't work,
10 video cameras that don't work, surveillance cameras on
11 top of buildings that do not work.

12 I believe out of those, a lack of operable
13 equipment that we need to have first. And it's just a
14 comment that I -- the emphasis seems to be, are the
15 weeds cut? Are the cigarette butts picked up? Is the
16 trash picked up? Never mind that the officer control
17 room doors are not secured or the locks don't work or
18 the cameras don't work and so forth.

19 MR. BURKE: Inmates are no longer required
20 to attend their classification hearings?

21 CO IV TURYAN: If an inmate is going to
22 result in a score change in any one of a number of
23 areas, such as education, vocation, health, mental
24 health status, public institutional risk, if any one of
25 those scores is going to change, that an inmate is

1 required to be there as well as a recommendation of
2 change of location. If an inmate is going to remain in
3 present status, that inmate does not have to be there;
4 that inmate can sign a waiver. And it's getting to be
5 routine in which the inmates are presented paperwork
6 and basically told, "Sign here. Nothing is going to
7 change. Have a nice day," and move on. And in those
8 cases, those inmates are not seen.

9 And, you know, it's a lack of -- it's
10 complacency on that part in that file reviews, AIMS
11 record reviews. Talking to the inmate needs to occur,
12 because such things as disciplinary tickets are
13 sometime missed; detainers are sometimes missed if they
14 are not posted on the computer system correctly.
15 Seeing what the inmate's attitude is, enabling him to
16 provide a comment as to what his status is, are not
17 occurring.

18 MR. BURKE: Thank you.

19 MS. MORRISON: In number six, you state
20 that some of the reasons for -- I don't want to
21 misquote it. You are talking about problems that are
22 happening within the system, and you say that some of
23 the reasons are "A, staff are intimidated from
24 reporting security lapses and deficiencies." Can you
25 elaborate on that?

1 CO IV TURYAN: You know, there are personal
2 experiences that I can go into, some of which the
3 details are lacking just because of time frame issues,
4 but just not having staff vests in all instances, as
5 needed, you know, locks that do not work. I mean, I
6 can give you an example of things that had occurred in
7 the past that could have been reported and reported and
8 should have been immediately corrected, and, you know,
9 there isn't, in my opinion, because of an overall fear
10 factor of bringing things to the attention of the
11 management staff.

12 In one instance -- I will not give the
13 names or the unit, unless you ask -- but something as
14 simple as every single trash can on a unit being full
15 to overflowing and the inmates complaining because they
16 can't dispose of their trash. And -- but yet,
17 requiring the inmates to have a clean living
18 environment and a clean living area and in reporting
19 this information verbally originally up through the
20 chain of command and saying that I was going to write
21 an information report. I was told an information
22 report is not necessary, and in my opinion, it was a
23 situation in which the inmates were unhappy, the
24 inmates were approaching staff and wanted it addressed,
25 and this is something from the information reporting

1 system that I talked about that, you know, you assume
2 things are going to get taken care of, but they are
3 not.

4 And I actually had to have a discussion
5 with a person who was higher rank than me to say I am
6 going to submit an IR, and I asked the person if
7 anything was going to happen if I submitted the IR.
8 But that should not have to occur. That should not
9 have to take place. The information reports are for
10 information. We should be able to submit an
11 information report on anything that we feel will affect
12 the security of the unit or institution of the complex
13 without fear of retaliation and so forth, and luckily,
14 as evidenced by coming here and talking, I was not
15 intimidated. I submitted an information report, and
16 hopefully the people in the chain of command
17 appreciated it, to get it taken care of. And that
18 sounds trivial, but trash cans overflowing to inmates
19 who want to maintain their housing areas is simple, but
20 there is an example.

21 MS. MORRISON: Thank you.

22 MR. BURKE: Thank you, Officer.

23 CO IV TURYAN: All right. Thank you.

24 CAPTAIN ROWLAND: My name is Robert
25 Rowland, R-o-w-l-a-n-d.

1 MR. BURKE: Go right ahead, sir.

2 CAPTAIN ROWLAND: Thank you.

3 Dear sirs and madam, it is possible the
4 turnout for the discussion and the input to the Blue
5 Ribbon Panel may prohibit my verbally addressing the
6 panel. If this is the case, I have taken the time to
7 write down statements that are designed to assist in
8 determining factors that led to the Lewis complex
9 hostage incident.

10 As recently as two years ago, an
11 independent panel, much like yourselves, was assembled
12 from agencies outside the Arizona Department of
13 Corrections to determine staffing needs. The end
14 result, which they shared with us at a complex meeting
15 before they left, was a recommendation that the
16 department needed to hire more than 1,000 staff
17 department-wide. At that time, our vacancy rates were
18 often over 30 percent. To think of it, one-third of
19 the work force needed to complete our mission was
20 missing.

21 I will now borrow from several popular
22 commercials and ask: If your mechanic stated he had
23 only installed two-thirds of the parts needed to fix
24 your car so it was safe, would you drive it? If the
25 brain surgeon operating on your child had only

1 completed two-thirds of training needed, would you
2 allow him to operate? Well, operate we did.

3 Very shortly after that, we were told due
4 to budget cuts and needs to reduce spending we had to
5 delete 300 staff positions statewide due to lack of
6 funding from the legislature. This was accomplished,
7 and shortly thereafter, our vacancy numbers looked much
8 better.

9 Statistics do not lie. With the deletions
10 of over 300 positions, our vacancy percentage now
11 dropped to approximately 20 percent. That looks much
12 better on a report. As little as four years ago when I
13 was a lieutenant at North Unit, our critical minimum
14 was 27. Now, four years later, North Unit has more
15 inmates and seven less staff, approximately 25 percent
16 less as their D level, which is the minimum staff
17 required to operate the shift, is now 20. Yet, the
18 amount of security, work and specialty assignments, as
19 well as the other required operations, did not decrease
20 with those staffing cuts.

21 Over the years, I have heard many
22 supervisors stating, "Get it done. No excuses." And
23 get it done we did. Staff in this department have gone
24 above and beyond for so long, that we now operate in a
25 distorted reality. We have staff cutting corners at

1 every turn so that mandated requirements can be met.
2 The supervisors whose job it is to lead and redirect
3 them when they cut corners are often posted to meet
4 minimum staffing requirements. This leads the public,
5 the legislature, and even our senior staff to believe
6 everything is okay, when it is not.

7 Recently, as the complex captain taking
8 staffing numbers, I was told by a supervisor at North
9 Unit who had to staff above D level that they, the
10 unit, were fat, meaning they had lots of staff. Sirs,
11 madam, I disagree. I have worked that unit as a line
12 officer, later as a lieutenant and recently as a
13 captain. I felt they needed at least 12 more staff
14 than the two they already had above D level just to be
15 adequately safe. This is the distorted view that many
16 of our supervisors have of our staffing.

17 Several staff members suggested I make
18 mention of sanitation versus security issues, DI 140.
19 Also, the issues of DI 169, staffing were asked of me
20 to be raised. I can tell you that I'm not the one to
21 raise those issues. I support my supervisors, their
22 goals and objectives, as well as the idea behind having
23 those procedures in place. All I have ever asked for
24 was the resources to get the job done. To address
25 those issues is like treating a tumor headache with an

1 aspirin. You are addressing the symptom and not the
2 cause. There is no reason whatsoever not to have those
3 and other procedures in place, as long as sufficient
4 resources exist to accomplish those tasks while
5 maintaining staff safety.

6 I will now give a controversial opinion on
7 what I believe led to the Lewis complex hostage
8 incident. I do it with the best of intentions for the
9 department and the staff members who on a daily basis
10 risk their lives so the public can remain safe.

11 Here is the issue that led to the Lewis
12 complex hostage incident: inadequate staffing and
13 retention of experienced staff to safely complete all
14 necessary security functions within the department.
15 Each and every staff issue involved in the Lewis
16 incident can be traced back to that single issue.
17 A secondary issue is the emphasis on task
18 accomplishment versus quality achievement. That means
19 if you want to address what is wrong, you need to start
20 sending out the message that get it done now, no
21 excuses, is not acceptable. Staff safety is not an
22 excuse, but a necessity.

23 Similar incidents have occurred within the
24 last five years and worse. The murder of Officer Brent
25 Lumley is an example, yet, we continue to operate with

1 less and less resources and wonder why these horrible
2 incidents continue to occur.

3 As I have often said, we should not attempt
4 to find blame, but rather solutions, so here they are.
5 Number one, return the 300-plus positions that were
6 deleted from the department, return them with
7 management review to determine best possible security
8 use of those positions.

9 Number two, in addition to the deleted
10 positions, initiate the process long-term. As we all
11 know, there is not going to be an immediate fix to hire
12 the recommended 1,000-plus staff members we needed from
13 the last staffing study.

14 Number three, initiate some type of
15 retention incentives for staff members to stay with the
16 department. This may require larger starting salaries,
17 or at the very least, longevity pay for staff that stay
18 with the department. Currently, there are automatic
19 pay increases for staff up to eight years. This ends
20 the moment they become a supervisor. This means that
21 they will lose money to become a supervisor if they do
22 so before eight years with the department.

23 Number four, get us, the Arizona Department
24 of Corrections, the resources we need so that staff
25 safety is not something that is ignored to complete our

1 assigned tasks, but rather something that is always
2 present while completing our assigned tasks. That
3 support needs to come from the highest levels, as the
4 resources we need can only come from there.

5 Each and every staff member that you will
6 talk with will tell you some version of what I have
7 said today, and some may try to point the finger of,
8 find fault with someone specific, which I feel is
9 wasting valuable time. We all have the same goals.
10 Not one staff member, supervisor, manager or
11 administrator I have ever spoken to has said that staff
12 safety should take a backseat to anything, yet, this is
13 exactly what is occurring. The same staff issues and
14 safety concerns continue to occur and will continue to
15 occur until something constructive is done.

16 I ask you to recommend that we be given the
17 resources to do what is asked of us safely without
18 having to cut corners or sacrifice staff safety to
19 accomplish that.

20 Respectfully, Captain Rowland.

21 MR. GUENTHER: Thank you.

22 MR. BRANHAM: Mr. Chairman, may I go?

23 MR. GUENTHER: Go right ahead.

24 MR. BRANHAM: Sir, you really focused
25 really well on some of your recommendations, but I

1 didn't hear a lot about equipment. Could you spend a
2 couple of minutes on that?

3 CAPTAIN ROWLAND: Yes, sir. We currently
4 have supervisors that are trying to ensure that we have
5 adequate staff equipment; unfortunately, sometimes we
6 don't have the equipment to issue. It's a concern for
7 all of us, and staff continue to bring that up to their
8 supervisors, and we need the additional resources and
9 money to obtain that equipment.

10 MR. BRANHAM: For instance?

11 CAPTAIN ROWLAND: For instance, adequate
12 staffing. I know that I have already brought that up,
13 but also camera equipment; although, I firmly believe
14 that technology should augment security, not replace
15 it. We have had -- excuse me. Let me shut off my
16 beeper. We have had in the past instances where staff
17 members have come up and complained of equipment, and
18 it is definitely an ongoing issue; although, I can tell
19 you personally that myself, as well as my
20 administration in the upper level management staff,
21 take it seriously. We attempt to facilitate equipment
22 to staff, and on occasion, our budget does not allow
23 that equipment in a timely manner.

24 MR. BRANHAM: Thank you.

25 SHERIFF VANDERPOOL: Supervisors have no

1 steps. Is it just one pay?

2 CAPTAIN ROWLAND: Yes, sir, that's correct.
3 Initially, you receive a starting salary, and until
4 such time there is either a merit increase -- which has
5 not happened in the last couple of years based on
6 budget restraints -- or until you promote to the next
7 level, there is no step increase, sir.

8 SHERIFF VANDERPOOL: Thank you.

9 MR. GUENTHER: Thank you. I appreciate it.

10 MR. BURKE: Captain, very well done. Good
11 presentation. Thank you.

12 CAPTAIN ROWLAND: Thank you, sir.

13 SERGEANT MASELLA: Sergio Masella,
14 M-a-s-e-l-l-a. I'm currently a sergeant. I'm also
15 president of the Arizona Correctional Peace Officer
16 Association.

17 Members of the board, thank you for your
18 time in investigating the ADOC. I ditto everything
19 that was just said from the people that left behind me.

20 I'm not going to get into details as far
21 as, you know, if a big top 40 company in America had a
22 turnover rate that DOC has, they would be out of
23 business a long time ago. We have, like the CO IV
24 said, a draconian method of treating staff.

25 In the five years I have been here -- four

1 years spent in SMU II -- I have never ever heard
2 anybody resign from this job because they had a tough
3 time dealing with inmates. The top two reasons that
4 are ever given for anybody leaving this department is
5 the pay and the treatment by the administration; now,
6 that's to say the former administration.

7 And I represent roughly 1700 people, and
8 not just correctional officers. I represent
9 maintenance workers, nurses, clerical staff. In the
10 combined discussions that we have had with all our
11 people, Director Schriro is an absolute breath of fresh
12 air to this department. Unfortunately, the time spent
13 so far in her capacity has been fighting with the good
14 old boy legislators in a special session, the current
15 hostage situation, which she is still dealing with, and
16 none of the programs I met with her and discussed can
17 be implemented because the time is not being spent to
18 better this department. It was an absolute shock to
19 everybody in the department when DOC actually hired
20 somebody with correctional experience to run the
21 department.

22 Our last director had a time as a DPS
23 officer, and then he went to the Department of Motor
24 Vehicles, and he came here and he ran the show here.
25 Stewart and his henchmen made this department what it

1 is today. He caused the turnover in this department.
2 It was his way or no way. I learned that firsthand as
3 a union official, been hammered from day one when we
4 started this up until the director took over.

5 You have wonderful wardens throughout the
6 state to include Mr. Trujillo, Mr. Cluff, who in my
7 opinion, were basically forced to do things the
8 director's way. I have lieutenants and captains in my
9 union that were called in to captains meetings or
10 lieutenants meetings, and obviously a couple of them
11 are our union members, and took notes on what was being
12 said at those meetings, which are, put your thumb on
13 the union, get rid of them, when all we are here to do
14 is bring out the facts that we are bringing here today
15 with this independent panel.

16 Mr. Guenther, I worked with you closely,
17 and you have heard all these issues before.

18 The pay scale, busboys make more than CO's
19 make. There is no -- like Captain Rowland was saying,
20 there is an eight-step pay scale, the final step being
21 35,000 after eight years, but you can never reach that
22 because it all has to do with merit pay, which hasn't
23 been given out in years.

24 When I was promoted to sergeant from CO, I
25 lost a penny an hour. I have sergeants and officers

1 that have been around this department for years that
2 left and went to work for Home Depot because they can't
3 make money to feed their families. The practice of
4 hiring former military to run the CIU officers and PSB
5 when you have law enforcement officials besides the
6 people -- I know of only maybe a handful of people that
7 actually earned their way through the ranks to become a
8 CIU investigator, and one of them is sitting in this
9 room, Herb, came from the ranks and now is an
10 investigator and a very good one at that.

11 But I have family members that are in CIU,
12 and, you know, 22 years in the police department and
13 they agreed, they have to come to this department and
14 learn the language of the inmates, learn what they mean
15 by a dope sack, learn what they mean by their personal
16 locker, you know, things that you don't hear on the
17 street. It's run in a military manner. The
18 investigations that take place that we have been
19 fighting with our lawyer, I think in our legal
20 department, these people aren't even given their
21 constitutional rights in these investigations.

22 The use of the polygraph is a laser beam.
23 It threatens everybody to either conform or get out.
24 It's not used as part of an investigation; it's used as
25 the investigation. I'm just skimming across the top of

1 all the issues because these are the things, Sheriff
2 Vanderpool, I have discussed with you, Mr. Burke, but
3 Mr. Guenther, you know these problems have been here.
4 I personally have been fighting with the legislators --
5 Russell Pearce, Konopnicki, Burns, all these guys --
6 over the years to try to bring these problems out.
7 Their main focus is on privatizing.

8 I have gone and had a press conference on
9 the lawn on the Capitol with a stack of statistics on
10 privatizing throughout the country. They told me I was
11 lying, when all they came with in their hand was a
12 phone number for the guy that owns the private company.

13 This has been going on for years. They are
14 not listening to anything our employees have to say,
15 and you have good -- great employees, great
16 supervisors. Their hands are tied because it runs
17 downhill, and in the past administration, if you didn't
18 conform to their beliefs, that's the way you wound up,
19 in some graveyard shift, perimeter job out in the north
20 40 somewhere because you said something that you felt
21 would benefit the department.

22 Since I took over the union, I have stopped
23 to try to make the rhetoric as minimum as possible. We
24 are not here -- we are not here to bad-mouth anybody
25 specifically; although, I can sit here for the next two

1 days and give you names of people that shouldn't be
2 working in this department. That's not what we are
3 about.

4 We are about making the department the most
5 professional department in the country, as it should
6 be. We have an academy that is in the top four in the
7 country. The turnover rate at the academy -- I have
8 been to two academy classes. I resigned back in 1986
9 and went back to New York, and then I came back.
10 Nevada Corrections set up a booth at the Circle K to
11 sign our people up when they graduate. So we graduate
12 a class of 30 people, 15 of them are going to Nevada
13 because of the pay, period. 2000, they did a study --

14 MR. BURKE: Do you know the disparity
15 between Arizona and Nevada pay?

16 SERGEANT MASELLA: Well, they are up in the
17 40's to start, and it goes by somewhat like it does
18 here: The Florence complex makes so much stipend;
19 Winslow makes so much stipend. It is all Band-Aids, is
20 what it is. But the training that we received in the
21 academy is outstanding, but it's school. You can go to
22 school as a doctor for eight years and you are not
23 really going to be a good doctor until you go through
24 your internship.

25 Our people don't make it through

1 internship. They come and take this job; they get
2 disgusted because of the way they are treated by the
3 administration, because of the pay they got; and they
4 leave and they take that experience and they go
5 somewhere else. And it leaves guys like everybody
6 sitting in this room who -- by the way, everybody in
7 this room is here on their own time, because they want
8 to make a change. We are stuck holding the bag. If
9 you don't have a wife or a significant other or a
10 husband with a full-time job, you can't afford to sit
11 here and work for this department. We are not asking
12 for a million dollars. How about bringing us up
13 somewhat close to where the surrounding states are
14 making?

15 I testified in front of the State committee
16 on pay raises, and our good friend, Donna Hamm, is
17 sitting in front of me, and I passed out a sheet on the
18 surrounding Tempe Police Department, Gilbert Police
19 Department, all the way down the line to airport
20 screeners. Guess who was below the airport screeners
21 in pay? DOC. One of the senators made a comment,
22 "Well, why should Corrections make as much as a Tempe
23 police officer?" And I said, "We are not asking to
24 make as much as a Tempe police officer." And he said,
25 "You are nothing but a prison guard."

1 Now, that -- that perception of us is
2 statewide because the only time they ever hear about us
3 is if something goes wrong. I've had in the last three
4 weeks every newspaper, every radio station, every TV
5 station call me five or six times a day. Before that,
6 we were calling them trying to get attention, and we
7 couldn't get it. Now, of course, something bad
8 happens, and they are all over us.

9 You know, it was pretty sad when -- like CO
10 IV Turyan brought up, when I brought the pizzas up to
11 the hostage situation, and I'm standing there and
12 Sheriff Joe's people are driving in with brand-new
13 vehicles and SWAT teams and trucks full of chicken, and
14 not because our department didn't want to do it, be we
15 can't afford to do it. But they can afford to print up
16 thousands of copies of four-letter kites that cost -- I
17 don't know how much a copy, millions of dollars in
18 paperwork for the inmates, but the staff is second
19 thought. The staff have been the second thought since
20 I have been here for five years, and your people have
21 been here longer than me. We are the second thought.

22 That is the private prison concept, because
23 private prisons, the staff is the expense; the inmates
24 are the moneymakers. In my opinion -- and in my
25 opinion, this department was purposely driven to the

1 ground by Stewart, Ryan, and the rest of the henchmen
2 so we can reach where we are at today, so that we can
3 have Stewart now meeting privately with the legislators
4 to try to privatize everything. And I'm acknowledging
5 what a good friend of mine said, he said, "He threw the
6 ball over the fence and now he's running around the
7 other side of the fence to catch the ball now."

8 But the bottom line is, he's retired,
9 collecting a pension on taxpayers' money, but the state
10 government is no good. Give him your pension. But
11 this is what set this department on the heels that it's
12 on right now, the lack of attention from the leaders of
13 the state, the legislators. We all know who they are.
14 Mr. Burke, you know who they are.

15 MR. BURKE: I do.

16 SERGEANT MASELLA: We need the attention
17 that is given to any law enforcement in the state -- in
18 this country. You know that the citizens of Arizona
19 don't think about their garbage until it starts backing
20 up in front of their house. Then they'll call the
21 local garbage collection agency and say, "Pick up my
22 garbage." And then the garbage gets picked up and
23 taken away and nobody thinks about where that garbage
24 is going and who is going to be working in that dump.

25 You are looking at us. We are the ones

1 that are working in the dump. We are the ones that --
2 we have the first round of defense to have a child
3 molester or rapist doing 129 years from getting out, to
4 getting to the local neighborhood and raping another
5 child or raping another person. We are the ones that
6 do that every day.

7 Every day in the state, an officer is
8 assaulted. It's a class-six felony, and correct me if
9 I'm wrong, to spit on an officer. That goes on every
10 day. Throwing feces and urine on all of us goes on
11 every day in the state, let alone the serious assaults
12 that occur -- stitches, shankings, beatings, kickings,
13 broken bones -- every day. Nobody hears about it
14 because nobody cares about it.

15 You know, in closing, I just want to say I
16 will do anything to get this word out to the citizens
17 of Arizona, and we are all open to any suggestion to be
18 made to help us to do that because that's what we are
19 here for. Thank you.

20 MR. GUENTHER: Good to see you again.

21 SERGEANT MASELLA: Good to see you, too.

22 MR. GUENTHER: I'm still -- you know, I
23 have been thinking that these last four or five
24 hearings, I'm just -- I'm beside myself. Of course we
25 have talked about them before. How do you make

1 Corrections a politically demandable type of -- you
2 know, how do you make it sexy? How do you make it
3 sexy?

4 SERGEANT MASELLA: For instance, if you
5 look in -- it's been all over the paper for the last
6 couple of weeks. The DPS, they have a problem
7 staffing. They start out at \$36,000. They are
8 complaining, and, you know what, they are underpaid
9 compared to the law enforcement around then. We start
10 out at not even \$25,000. So you can imagine how hard
11 it is to staff our units. This situation that took
12 place in Lewis was inevitable. The lack of experience
13 is, in my opinion, the number one reason why that
14 happened. The lack of a legitimate promotion system is
15 another reason.

16 You know, I kept my record clean. I got
17 perfect attendance awards and employee of the month
18 awards for the whole time I was here, because where I
19 come from, you have to have these things to promote.
20 When the time came to promote, there were people from a
21 week earlier that got 30 hours off for abusing sick
22 leave, and they got promoted before me. That's the way
23 it is and it shouldn't be.

24 The pay, in my opinion, is the number one
25 fix, first and foremost. The number one fix is to

1 bring the pay up. And it's no joke when you hear that
2 we have officers on food stamps. That is no joke.
3 They build low income housing right here in Florence
4 for our officers. That is no joke. That's fact. They
5 have to initiate a van pool just to get our people to
6 come to work. That is no joke. I mean, it's right out
7 in front of everybody's face, but everybody is looking
8 over the wall trying to find a problem. There it is
9 right in front of you. That's the problem, the pay.

10 After the pay, it is the supervisory, the
11 promotion. There is people in this room -- the CO
12 IV's, CO III's, lieutenants, captains -- making less
13 than officers. A captain making less than an officer
14 is ridiculous. You can't have experienced people
15 sticking around for this job. Look how many people we
16 just lost to Iraq. Captains, lieutenants -- important
17 people -- CIU, SSU supervisors leaving to go to work at
18 Iraq so they can make some money to pay their house
19 off, because if they stick around here, they are just
20 going to get more and more in debt.

21 We lost a lot of experienced, good people
22 for money. They didn't go over to Iraq because they
23 wanted to stay on the beach; they went over there
24 because they want to make the money. We have them
25 right here. Let us make the money, then you can go and

1 fix everything. In 2000, they spent \$28 million to
2 train CO's, and overtime combined to train them, and
3 they left. If they were to give everybody at that time
4 a \$5,000 raise, it would have cost them 25 million.
5 You have to spend money to save money. Bottom line.

6 CIU people. We have the best CIU people in
7 this department. Our people took a second seat to go
8 down to Lewis. They were the backseat bus drivers.
9 They were the water boys. You have good CIU. You have
10 good investigators. Just because you can have an
11 officer with 20 years, with 22 years, with 25 years of
12 experience in a law enforcement agency, but because
13 somebody was on Stewart's bodyguard team at one time,
14 he gets promoted to an investigator; meanwhile, you
15 have officers that can do that job ten times better
16 than half of the guys that are there, and they don't
17 get thought of. There is no career path in this
18 department. None whatsoever.

19 MR. GUENTHER: How do you make that an
20 issue for the legislature? How do you make them care?

21 SERGEANT MASELLA: How are they going to
22 care? The same way we care. Because when you start
23 bringing up the fact about the money that is being
24 spent and wasted as opposed to if they spent some money
25 to save us. The only way you are going to make the

1 legislature see the light of the day is you bring up
2 money issues to them. And I have been doing it four
3 years, and they turn their head and they look the other
4 way, and they look over there at CCA and Wackenhut,
5 because my opinion, that's where their money is coming
6 from.

7 So it's -- the bottom line is, the major
8 issue -- and once you do this, once you initiate a pay
9 scale to bring everybody up to parity with surrounding
10 law enforcement, that takes away half the problems that
11 you have.

12 Let me tell you a story. I spent four
13 years in the Navy. When I got out of the Navy in New
14 York City, I took a test for the Department of
15 Corrections. I got a hundred on the test and a hundred
16 on the physical. The civil service test is only good
17 for four years. I waited four years and never got a
18 call. I took the next test. Two more years went by
19 before I got a call. By that time, I already had
20 another job so I turned it down. But the bottom line
21 is, they are not hiring anybody because they have a
22 list of people waiting to take that job. We have to go
23 out and scrounge people up.

24 You know, I was misquoted in the Republic
25 when I said DOC employees make less than Sonic workers.

1 That's not what I said, but I'm going to tell you what
2 I said. The department is so hungry for people and
3 they are lowering their standards so much, the only
4 people that are applying for this job shouldn't be
5 working for Sonic. And that's a fact. We get gang
6 members -- that we have grabbed gang members out of
7 COTA, gang members that applied for this job and they
8 catch them in COTA.

9 Something is wrong with that. There's a
10 background check. Obviously, they are lowering their
11 standards and allowing these people to apply for this
12 job. This is a state prison. These are murderers.
13 These people are doing a hundred, 200 years, death
14 sentences, and you have people that are gang members
15 applying for the job, besides the fact that a lot of
16 unscrupulous officers might want to subsidize their
17 paychecks by doing favors for gang members or doing
18 favors for inmates. The corruption will stop; the
19 investigations will stop if you have a higher class of
20 people taking this job. You know, it just snowballs.
21 It's like dominoes. You bring the pay up, and that
22 will solve half the problems for this department.

23 MR. GUENTHER: Thank you.

24 MR. BURKE: Thank you.

25 Can we take a three-minute break, ma'am,

1 facilities, the current staffing levels cannot go
2 uncorrected much longer without the train coming off
3 the tracks."

4 The train came off the tracks January 2004
5 with the actions of Inmate Wassenaar and Inmate Coy.
6 Many issues led up to this event: One, staff coverage;
7 two, putting more inmates into smaller bed
8 structures -- the reality is is that most correctional
9 officers are supervising in excess of 100 inmates --
10 three, an out-of-date classification manual that let's
11 inmates be placed in lower custody units. Both inmates
12 in question were classified as 3/1's. I would like to
13 explain what a 3/1 is.

14 Due to -- according to our classification
15 manual, when you are talking about P&I scores, always
16 remember five is the highest and one is the lowest.

17 If I seem a little nervous, please overlook
18 that a little bit.

19 MR. BURKE: You are doing fine.

20 MR. GUENTHER: We are nervous, too.

21 CO III JOHNSON: I'm used to being around
22 convicted felons all day.

23 MR. BURKE: We don't know how to take that.

24 MR. GUENTHER: Well, just take a deep
25 breath. We are all friends here.

1 CO III JOHNSON: A public risk score of a
2 three is an inmate classified -- to the public risk
3 level presents a moderate risk to the public community
4 should he escape from the department custody. A P-3
5 inmate should be confined to an institution that is
6 intended to provide moderate level of security.
7 Housing in this institution may be capable of securing
8 an inmate within a unit at night or at any other time
9 necessary. A P-3 inmate may be housed in a single
10 cell, multiple-occupant room or in dormitories where
11 continuous supervision is possible. And you understand
12 both of these inmates were housed in dormitory
13 settings.

14 An I-1, that's an institutional risk of a
15 one. An inmate classified to this institutional risk
16 presents little or no institutional management problem.
17 Housing in this institution may consist of dormitories,
18 multiple-occupant rooms or individual rooms. An I-1
19 inmate generally has unrestricted movement within the
20 facility and is only intermittently supervised. An I-1
21 inmate may have access to inside programs and
22 institutional work assignments.

23 Inmate Coy was found guilty of a
24 disciplinary violation, possession of a steel spike and
25 escape attempt, in July 2002. His classification score

1 at the time was raised, but he knew all he would have
2 to do is wait for two years, and when you talk to a man
3 that's doing a life sentence, two years is not long to
4 wait.

5 After his two years, which was
6 January 2003, he was again classified as a 3/1.
7 December of 2003, he was given the job in the kitchen.
8 Inmate Wassenaar was placed in the kitchen in May of
9 2003.

10 Another quote, "Current staffing levels
11 provide inmates with opportunities to exploit
12 weaknesses in staff coverage." Many studies have been
13 done in the Department of Corrections. Most of these
14 studies were done in the year 2001. You have already
15 heard of QWL 21. We also have the criminal justice
16 solution that came in and told us how much staffing we
17 would need.

18 After every one of these studies had been
19 completed, the Department of Corrections makes no
20 changes. The questions raised by the correctional
21 staff is always answered the same way, there is no
22 money.

23 MR. BURKE: Do you know how much they spent
24 on those studies?

25 CO III JOHNSON: Quotes from Mr. Stewart,

1 they were in the millions of dollars.

2 Knowing and watching the economy of the
3 State of Arizona, that appears to be a good answer.
4 But there is ways to find money within the Department
5 of Corrections.

6 One thing that is very important is we need
7 more staffing. November of 2001, Mr. Stewart cut all
8 mandatory training to core training. The average
9 training for a correctional officer after he leaves
10 COTA is 24 hours per year. There is no training for
11 hostages. We have always been trained there would be
12 no hostage situation, that they would come in and get
13 us out. I was very fortunate. I'm a 15-year employee.
14 In 1990, I did receive hostage training, and that was
15 the last time I received that training.

16 We have issues as far as our field
17 equipment that keep our staff safe. I personally have
18 dealt with an issue with a Motorola radio that has been
19 issued to me. My radio that I carry at work -- I'm
20 assigned to a 630-man level-two facility. I'm a
21 football field length away from my yard office. I am
22 handed a radio that is held together with rubber bands.
23 I have contacted a staff safety hotline many times and
24 the solution was, "If it goes out, walk up and get you
25 another one." In many circumstances, I'm in rooms with

1 anywhere from 20 to 190 inmates, and I have no way to
2 know when that radio is going to go out.

3 We have ways to free up some of our money
4 in the budget. Currently, Arizona Revised Statute
5 allows us to charge inmates \$2 a month for utilities,
6 but we continue to only charge them \$1 a month. On the
7 63-man unit that I'm currently working, we issue toilet
8 paper to inmates at a cost of \$600 a month. 97 percent
9 of the inmates on my unit are workable. Out of the 630
10 last month, 575 inmates were working. Their wages were
11 anywhere from 20 cents to 85 cents an hour. The
12 average inmate does pocket \$80 a month, but we still
13 supply their toilet paper.

14 There is many things that I feel that could
15 fix these issues. We need to look at and update our
16 classification system, have a better system for
17 correctional officers to communicate their issues, act
18 on and give feedback to the issues raised. I currently
19 work in the northern part of the state. We have
20 gymnasiums for inmates. We spend \$3,000 a month to
21 heat these gyms for these inmates to come in and play
22 basketball for a total of 88 hours per month.

23 Have administration follow their own
24 policy. DI 169 is our staffing procedures, and you
25 will hear D level; C level currently is called whip the

1 paper, put a supervisor in a position that looks like
2 they are covering it when they are sitting in their
3 office. Many times I walk on the unit with 630 inmates
4 there. There is six correctional officers assigned to
5 those dorms to provide security for them.

6 Security facility inspections, DO 703,
7 where it is the responsibility of the chief of security
8 to go out and check and make sure the officers are
9 doing what the department would like them to do.
10 Checking our locking devices, conversing with staff,
11 this does not happen. These proposed solutions can
12 only help put the train back on the track and have a
13 prison system that will protect the public, the staff
14 and the inmates.

15 MR. BURKE: You indicated you have been
16 with the department since 1990.

17 CO III JOHNSON: 1989.

18 MR. BURKE: 1989. Over that period of
19 time, have there been any changes of any substance to
20 the charges to inmates for particular services?

21 CO III JOHNSON: The services since I have
22 been with the department, they did start charging the
23 \$1 for utilities, and they do now charge \$3 for a
24 medical appointment. If they want to go over and talk
25 to medical staff, they are charged \$3. We just had it

1 implemented that our drug offenders will pay 8 percent
2 of their wages towards the new transition out to the
3 street to help fund that system.

4 MR. BURKE: At your facility, do you have
5 work crews that go out and work on private facilities?

6 CO III JOHNSON: Yes. We do have, and they
7 are called intergovernmental agencies, contracts that
8 we upkeep. We have inmates in our force on our fire
9 crew. We have an ACI program where they redo
10 furniture. They are the ones that make the most money.
11 They make up to 85 cents an hour in our ACI program.

12 MR. GUENTHER: How much do the tomato
13 people get?

14 CO III JOHNSON: Now, the tomato is a part
15 of the Apache Unit. Mostly your off-site crew, if an
16 inmate walks out your gate, he will make 50 cents an
17 hour. If inside the institution, the pay raise is
18 different according to the skill level of the job. The
19 lowest that we pay on our unit is 20 cents. The
20 highest we pay within the confines of the unit is 45
21 cents.

22 MR. BURKE: How much does the department
23 make off those contracts?

24 CO III JOHNSON: That, I don't know.

25 SHERIFF VANDERPOOL: Do you have a meal

1 charge?

2 CO III JOHNSON: Do I have a meal charge?

3 SHERIFF VANDERPOOL: Yeah. I don't know

4 the difference between the Sheriff and DOC.

5 CO III JOHNSON: The inmates do not pay for

6 their meal, but the correctional officers do.

7 MR. BURKE: Do you have access to the gym?

8 CO III JOHNSON: I currently work the gym.

9 Yes, they have access to a gym.

10 MR. BURKE: No. They have access to a gym.

11 I want to know if the officers can work out at the gym.

12 CO III JOHNSON: No. We have a workout

13 facility, but it's up by our administration area. But

14 the officers that are placed in the gym are

15 Correctional Officers III's to provide security for the

16 inmates that are working out because it is too cold for

17 them outside.

18 Proposals have been done from our complex

19 to try to restructure that building to be used in

20 better ways, vocational programs for inmates or some

21 better use. Even housing, we hear the private prison

22 quite often. I know that on the Winslow complex, they

23 pay \$46 per day for inmates. We house inmates at the

24 Coconino County Jail, and we are paying \$6 a day more

25 for those inmates at Coconino County. So I am still at

1 a loss as to how the private prison is going to solve
2 our problems.

3 MR. GUENTHER: What about the fact that --
4 we had some testimony yesterday that Winslow was having
5 trouble meeting minimum dog level staffing
6 requirements, and yet -- and so they started to keep
7 some of the crews in because of the staffing
8 requirements sending the crews out, and then they were
9 told no, the crews go out regardless.

10 CO III JOHNSON: That is correct. I was an
11 IPP coordinator. The Inmate Program Plan, it was
12 instituted and first started at the Winslow complex, so
13 we were the ones that were putting inmates in the
14 contracts, and the contracts have to be met, and the
15 inmates have to go out. That's how they whip. It's
16 called paper whipping your positions, putting a
17 sergeant in a dorm position when he's sitting in the
18 yard office. I have officers at the Winslow complex
19 that are working doubles two to three times a week, and
20 I don't know if you have worked around somebody that's
21 pulled a 16-hour shift. By the time they hit the 13th
22 or 14th hour, they are just a body. They are having a
23 hard time functioning at those long hours.

24 MR. GUENTHER: So they actually will take
25 staff from the units and put them on detail to take the

1 crews out --

2 CO III JOHNSON: That is correct.

3 MR. GUENTHER: -- even though there is not
4 sufficient staff to man the minimum levels at the unit?

5 CO III JOHNSON: Correct.

6 MR. BRANHAM: And are they doing that
7 because they have a contract?

8 CO III JOHNSON: Correct, because they have
9 a contract. They are intergovernmental agency
10 contracts, and they have to be met.

11 MS. MORRISON: Are they only
12 intergovernmental or is it private ones, too?

13 CO III JOHNSON: The ones that we deal with
14 are mostly intergovernmental contracts, and then the
15 ACI program, and the ACI program must continue to work
16 every day.

17 MS. MORRISON: What is ACI?

18 CO III JOHNSON: Arizona Critical Industry,
19 and we do office furniture in the Winslow complex.

20 MR. GUENTHER: I just -- I am still having
21 trouble understanding how you can send those crews out
22 if you are jeopardizing the safety of your staff and
23 inmates.

24 CO III JOHNSON: I think that's why this
25 committee is here.

1 CO IV ROMWEBER: Let me speak for the
2 Apache Unit for friends. Jake Flake will call the
3 director of the Department of Corrections if those
4 intergovernmental agencies do not go out to
5 Springerville and the surrounding communities, and what
6 are you going to do, upset that legislator, sir? Well,
7 I -- I'm just talking. You know what I'm saying. You
8 see what I'm saying? But Jake Flake, sir, might be the
9 person to ask.

10 MR. GUENTHER: Thank you for the additional
11 specific information.

12 MR. BURKE: Thank you, ma'am, for your
13 testimony, too.

14 SERGEANT McDONALD: My name is Pete
15 McDonald, M-c-D-o-n-a-l-d. I'm a sergeant at the South
16 Unit Florence. First of all, thank you for allowing me
17 this time to speak. I will try and make this as quick
18 as possible. I have a few points I'd like to bring
19 out.

20 Some of the things I have seen since I have
21 been here is fast-tracking. What it is is a person has
22 education, whatever, moves into a supervisor position
23 within one year within the department. It is like,
24 one, as far as I am concerned, you need four years to
25 be considered a supervisor. When I first started, you

1 were a cadet, CO I for 18 months, then you were a
2 CO II. Now you get out of the academy, you are a CO
3 II, and that is causing a lot of problems, because now
4 these cadets are coming out, "Hey, I'm a CO II just
5 like you." "Who the heck are you telling me what to
6 do?"

7 MR. BURKE: What happened to CO I?

8 SERGEANT McDONALD: Due to that little pay
9 raise -- that whole pay raise they gave as CO's, part
10 of -- my understanding is for us to get this pay raise,
11 they got rid of the CO I. I do not know the
12 intricacies of it, but they got rid of it. Like I
13 said, we have a lot of supervisors who do not know what
14 they are doing because they don't have enough
15 experience, and they are making decisions based on
16 their own opinions.

17 Another thing that I'd like to echo is the
18 40-hour annual training. Now we are at 24 hours.
19 When I first started, we were doing restraint chairs;
20 we were learning how to talk with inmates, deal with
21 inmate issues. It's out the door. One of the people
22 that spoke up there mentioned about hostage training.
23 The last time I taught hostage training was about
24 2000 -- in the year 2000. I have not seen it since.
25 So the thing is, I want training more prevalent than

1 what we are doing rather than how to say please and
2 thank you to inmates; rather than saying, hey, this is
3 what you need to do.

4 Most instructors assigned to teach are not
5 volunteers. They are forced in that position because,
6 one, their unit has a quota to become instructors;
7 therefore, our training sometimes is substandard
8 because the instructors don't want to teach. I
9 personally am an instructor so I do take this issue
10 personally. We need to bring back some more classes,
11 more security.

12 Another thing is like, one, the State
13 requires all employees to be 21 years old. We allow
14 our contract vendors such as Canteen to be under that.
15 No. They can be 18, 19, 20 years old. They cause more
16 problems. They are argumentative. They have no life
17 experience. If my officers have to be 21 years old,
18 they need to be. I think we need to look at that
19 contract and revamp it.

20 Also, I'd like to see non-security staff in
21 the annual training in COTA. When I worked in federal,
22 every staff member learned how to cuff, what are the
23 inmates about, everything. Only CO staff are allowed
24 that.

25 MR. BURKE: That's an interesting point.

1 It has not come up yet before, which is, you have
2 nonuniform employees -- for example, you referenced
3 Canteen, which is the name of the company that has a
4 contract with the kitchen. Are you aware of any kind
5 of safety training that those employees are provided
6 with prior to beginning their position?

7 SERGEANT McDONALD: If they are lucky, they
8 get a 40-hour orientation, how to write a report, how
9 to stay awake sometimes. I have no idea. But it's
10 nothing to do with security.

11 AN AUDIENCE MEMBER: There is no security
12 training for Canteen.

13 SERGEANT McDONALD: It depends on the unit.
14 Sometimes -- they sometimes will talk to the Canteen
15 manager, "Hey, can you just talk to them for about 10,
16 15 minutes and tell them what to expect?" We need
17 something in writing, something more structured,
18 because like I said, a lot of our Canteen staff get
19 compromised on a daily basis.

20 Original probation. When I first came in,
21 if I said boo the wrong way, I was gone. Because of
22 short staffing, a lot of original probation is a farce.
23 It's like oh, extend their probation. Extend them.
24 They only have enough justification to enter their
25 employment. No. I've had more than three or four

1 officers who I've supervised over a time period who I
2 will not even recommend working as -- working at Sonic.
3 I would not recommend that. I mean, this one
4 individual I wrote up one time for two class sevens and
5 a class five. A class seven, if found, a first offense
6 is termination. A class six is a security breach. She
7 fell asleep on duty. She falsified her accounts and
8 falsified her log book, and then she lied about it to
9 cover up her butt. She's still working for the
10 department.

11 MR. BURKE: Did she transfer to another
12 area?

13 SERGEANT McDONALD: No. She's still in
14 graveyard at my unit. We make exceptions in order to
15 keep from being more short staffed, and it's like, one,
16 it needs to stop, because, one, we will discipline our
17 inmates, but we will not discipline our staff because
18 they will quit, leave, whatever the case may be, and
19 then we are back to ground zero again where we are
20 trying to find staff just to cover the basic duties
21 assigned.

22 Other things -- like I said, I don't want
23 to echo what has been said. Like I said, there are
24 some issues, which is sanitation. Other areas --
25 sometimes, it's like sanitation is not -- I mean --

1 excuse me. Sanitation has precedence over security
2 issues at some times. I believe in sanitation, but it
3 is prevalent. I have seen staff members on graveyard,
4 all they do is clean, wash the windows, wash the
5 floors, but if they -- but if they don't do it, they
6 get disciplinary. So it's like, one, we need to
7 prioritize some of our needs.

8 MR. BURKE: Why do you think that obsession
9 with cleanliness has developed?

10 SERGEANT McDONALD: Well, I believe in
11 cleanliness, sir. It's like, one, we do have HIV and
12 tuberculosis and all of this stuff. We do need a clean
13 system, but it is like, one, when you have supervisors
14 who stress cleaning over the board, it gives a bad
15 impression. It's like the staff think they are
16 overrated, overpaid janitors, and it's like we lose
17 staff because of that. They don't feel conducive to
18 being in law enforcement. They are just like, "Hey,
19 I'm an overpaid janitor."

20 MS. MORRISON: How would you fix the
21 problem?

22 SERGEANT McDONALD: The thing is, I believe
23 in the cleaning, ma'am, but the thing is, if I have to
24 do cell searches -- I'll give you an example. I was in
25 SMU II in '98. I was on graveyard at the time. It's

1 like all I was told was I was only supposed to do
2 sanitation and make sure I stay awake and do my
3 security checks. I came from SMU I at the time. On
4 graveyard over there, not only did we do cell searches,
5 we did urinalysis. We did everything conducive that we
6 could at that time.

7 Over there, I was told, no, we cannot do
8 that. The thing is, am I saying get rid of it? No.
9 But when staff feel conducive to what they are doing,
10 they are going to say, "Hey, I feel part of something
11 now. I have a purpose." And a lot of staff don't have
12 that same purpose. They feel, hey, I don't have a
13 purpose.

14 MR. BRANHAM: Can I ask you a quick
15 question?

16 SERGEANT McDONALD: Yes.

17 MR. BRANHAM: Do we use any labor to do a
18 lot of that cleaning?

19 SERGEANT McDONALD: Some do. But on the
20 level-five yard, SMU I, II, CB-6, due to staff assaults
21 and sometimes staff complacency as a result of
22 assaults, we don't do it. The officers are actually
23 going inside to SMU II where they have the sight doors
24 and actually cleaning their cells after they smeared
25 fecal matter all over the walls and on the floors. We

1 have to do it. And it's like, one, sometimes we don't
2 have equipment to use, gloves.

3 MR. BRANHAM: Talk to me about that for
4 just a second. Explain to me what you are currently
5 issuing your staff for PE, your protective equipment:
6 gloves, masks.

7 SERGEANT McDONALD: Basically what we do is
8 if we don't have enough of them, we have our own latex
9 gloves; most officers buy their own. Some of them buy
10 their own leather gloves. They give us a mask, which I
11 have not used since 1997. But other than that, it's
12 like it's very little.

13 MR. BRANHAM: Does every one of your
14 officers carry their own PE on their belts?

15 SERGEANT McDONALD: Yeah. We are issued
16 mace. We are issued gloves.

17 MR. BRANHAM: I'm talking more about the
18 personal protective stuff for biohazards.

19 SERGEANT McDONALD: If we are doing
20 searches, we have to go to the yard office, pick up
21 gloves, if we have them there. Sometimes we have to
22 raid medical supplies in order to get the stuff we
23 need. I know some units have to pay out of their own
24 pocket in order to get basic writing implements --
25 pens, pencils, whatever the case may be -- because the

1 budget.

2 The last issue I want to talk about is,
3 one, with the pay. I know you are not legislators; you
4 have nothing to do with it, but it's like, one,
5 supervisors. When I first came in, an officer made 19
6 grand a year; a sergeant made 28. Since 1996, CO's now
7 make close to \$26,000, not to include the stipends they
8 get along with hazard duty and clothing. Since 1996 a
9 sergeant's pay only went up \$2,000. There is no
10 separation between the ranks. When I worked federal,
11 the federal had a general law enforcement. It didn't
12 matter if you were DEA, ATF, Bureau of Prisons,
13 whatever, you fell under that same scale.

14 I would recommend that the Department of
15 Corrections has that same type of scale to appoint
16 whether we are under DPS, whatever it is, the same. I
17 make about \$15,000 less than my DPS counterpart. It
18 took me over two and a half years when I promoted to
19 sergeant just to get my only raise since I have been a
20 sergeant, and I have been a sergeant for almost five
21 years. And that took me two and a half years of
22 basically waiting and hoping that some administrator
23 would basically write off on it. So like I said, the
24 pay will help retain.

25 I did spend some time at the Lewis complex

1 because I'm CISD, which is critical incident stress
2 debriefing. The thing is, if we are
3 overstaffed/understaffed, that could happen anytime.
4 The thing is, those officers are inexperienced. Other
5 experienced staff have the prime days off, the prime
6 posting; therefore, all the newer officers are in the
7 trenches. You have a six-month officer training a
8 three-month officer, and then that six-month officer
9 quits and that three-month officer is now the senior
10 officer. It's like, wow, we need retention, and it's
11 like, one, the Lewis stuff, it can happen anywhere so
12 I'm not blaming them. It was planned for nearly three
13 years and a terrible accident occurred.

14 MR. BURKE: What do you mean it was planned
15 for three years?

16 SERGEANT McDONALD: Like I said, the
17 inmates know our behaviors just as well as we do. But
18 the thing is, at Florence, Eyman, I have officers who
19 have been there for 27 years. It's like, one, they can
20 see or detect what's going on; therefore, officers who
21 come in late, who have bad habits, whatever, those
22 inmates know our habits better than we do. Therefore,
23 it's like, one, okay, that officer right there is -- he
24 is doing his job. I better wait until the next one
25 because he is late or he's complacent, and it's been

1 planned.

2 Like I said, the tower, it was -- okay.
3 There's a brown shirt. Okay. It looks like the
4 officer, press them in. They are using that tower to
5 pass the medicines. Since when do you allow inmates to
6 go to an armed post? That's an administrative
7 decision.

8 The thing is like, one, there is shortcuts.
9 How can we make it easier to get our tasks done when
10 security should be prevalent.

11 Does that answer your question, sir?

12 MR. BURKE: Yeah.

13 MR. GUENTHER: What about when you were
14 over on SMU I; as I understood, you were doing
15 urinalysis?

16 SERGEANT McDONALD: We did urinalysis. We
17 did duties that all the other shifts did. The only
18 thing we didn't no is basic rec or showers. But it is
19 like we did cell searches.

20 MR. GUENTHER: Tell me a little bit more
21 about urinalysis.

22 SERGEANT McDONALD: Urinalysis, it's a
23 certain percentage of inmates per month is supposed to
24 do -- to give a UA so we can detect any type of drug
25 usage. Back when I was there, all the shifts did it:

1 swing shift, day swift, the graveyard shift. They all
2 had a percentage to do it. When I was out there at SMU
3 I, SMU II, we weren't allowed to do it. All we were
4 allowed to do is clean and make sure we stayed awake.

5 MR. GUENTHER: But your CO's are doing the
6 urinalysis?

7 SERGEANT McDONALD: The CO's do the
8 urinalysis.

9 MR. GUENTHER: I understand the
10 collections, but we are dealing with biohazardous
11 substances here, body fluids, and the question then is,
12 are you adequately trained to do that?

13 SERGEANT McDONALD: The thing is, we are
14 given -- the officer is given a little manual, reads
15 it, and then he implements it.

16 MR. BURKE: Clearly it's been an issue and
17 has been brought up by some of your colleagues as to
18 whether -- or why Wassenaar and Coy were even working
19 in the kitchen. But the separate issue is the length
20 of time Wassenaar was working in the kitchen, and he
21 was there for a few years. I guess I would like your
22 thoughts on the rotation of inmates to the different
23 positions.

24 SERGEANT McDONALD: Current policy, all
25 inmates are supposed to work. If they are a

1 level-five, they don't work; they are locked down.
2 Four and below, they are supposed to work. I --
3 currently my assignment is at South Unit. I have
4 inmates who have been there for over three years. I
5 have former death row. I have lifers. The thing is, I
6 don't pay attention to that because, one, I know all
7 inmates have to work and I treat all inmates the same,
8 based on my experience; therefore, at Morey Unit, for
9 those two inmates being in that kitchen alone, to me,
10 that's normal.

11 MR. BURKE: It could be normal, but is it
12 proper policy?

13 SERGEANT McDONALD: Proper policy, I cannot
14 answer that for Lewis.

15 MR. BURKE: Well, how about this. I will
16 restate that's not a proper policy. Do you think it
17 might be normal because that's what the norm has
18 developed to be? But from your experience, do you
19 think it's a good idea?

20 SERGEANT McDONALD: I believe there should
21 be a two-year rotation for all inmates, because what
22 happens is an inmate starts thinking he's untouchable.
23 All of a sudden, they start getting a little flare.
24 And as far as I'm concerned, if an inmate starts to
25 think they are untouchable, that's when he starts to

1 push the button, so to speak. My opinion only, there
2 needs to be a rotation. Is it done? No. I have seen
3 in the past where, one, because of production, because
4 of costs of that area of money, they keep certain
5 inmates in there. I have lead inmates in my ACI yard
6 for a policy no inmate will override or oversee other
7 inmates, but I have that in the yard because that's
8 been there. I inherited that mess.

9 If I tried to write that inmate up, I would
10 get asked questions, "Why did you do that?" "Because
11 he screwed up." "Well, I'm going -- I'm going to get
12 that changed." "Go right ahead. The DHO will take
13 care of it," the disciplinary hearing officer, which
14 any other work crew supervisor at any point will say,
15 it's like, one -- excuse my French -- a dirt bag, get
16 rid of him. But if it's going to cost you money, no,
17 keep them there. The money talks.

18 MR. GUENTHER: What about cellmates?
19 Should cellmates be allowed to work in the same work
20 details?

21 SERGEANT McDONALD: When I worked at SMU I,
22 I was kitchen officer. SMU I wing floor, they were
23 single-bunk units. Morey Unit is two bunks. They are
24 a protective custody unit. The thing is, in my
25 opinion -- I don't know how SMU I is now, but I have

1 heard they are now a protective custody unit. They do
2 have a capability of double-bunk inmates. Morey Unit
3 is double-bunked inmates. My own opinion, protective
4 custody inmates should live in separate -- separate
5 cells. If we are there to protect them, why are we
6 putting them in another room with another inmate that
7 can kill them? That's just my opinion.

8 I do not understand the politics of Morey,
9 but it's like, one, is it normal? I can't answer that.
10 Have I seen it happen? Yes. Because, one, I have seen
11 cellmates work in the same area. I have at South Unit,
12 I have dorms -- I have two dorms full of ACI
13 inmates, close to 150 inmates at one time on my yard.
14 They all live together and they all work together. So
15 I got -- to answer your question, I mean, I can't
16 really.

17 MR. GUENTHER: Yeah. I was just wondering
18 in the less secure positions such as a kitchen whether
19 or not it's a good idea to have people who spend that
20 much time together in the same low security
21 environment?

22 SERGEANT McDONALD: It's a double-edged
23 sword, sir. It works both ways. It's like, one, it is
24 easier for turnouts to get them there rather than
25 trying all different cells or different dorms to pull

1 these people out, but at the same time, birds of a
2 feather flock together. And then all of a sudden, they
3 start to basically emphasize one another and they all
4 back each other up. So it's a double-edged sword, and
5 I personally -- I don't see a problem, because I --
6 one, as long as my officers do their job, I have no
7 problem with it. But once I see it getting carried
8 away, that's when we need to put our foot down. I
9 really can't answer that question because that's more
10 of a policy based on that unit's needs.

11 MR. GUENTHER: And behavior of the inmates?

12 SERGEANT McDONALD: Yes, sir.

13 MR. BURKE: I assume that Canteen employees
14 have some kind of background check before they are
15 allowed to work on the facility.

16 SERGEANT McDONALD: I hope so. It's like,
17 one, I make a joke out of Canteens, but they are my
18 staff also. But it is like, one, they are all getting
19 paid \$8.50 an hour. You can only get quality people
20 from what you give.

21 MR. GUENTHER: It begs another question,
22 and that is, is the Canteen contract situation working
23 out?

24 SERGEANT McDONALD: No.

25 AN AUDIENCE MEMBER: No.

1 SERGEANT McDONALD: The Canteen situation,
2 there was a lot of speculation when they first started,
3 and it's like, one, they got rid of the State workers
4 who used to work canteen, the kitchen, because they
5 said it was a lot of waste of money. Ever since then,
6 the food qualities went down, their portions went down,
7 and it's like, one, we have a lot more Canteen staff
8 compromised and assaulted because of just plain old
9 ignorance. Sometimes I wish they moved their
10 headquarters out of Eloy, and that's like a rundown
11 dirt farm town.

12 MR. GUENTHER: But you think, then, in your
13 opinion, the State should take back over the food
14 service?

15 SERGEANT McDONALD: Yes.

16 MR. BURKE: When did the portions and the
17 quality of food start to diminish?

18 SERGEANT McDONALD: The first time Canteen
19 took over.

20 MR. GUENTHER: When was that? Do you know?

21 AN AUDIENCE MEMBER: 1998.

22 MR. GUENTHER: That's when we went to the
23 contract with food service?

24 SERGEANT McDONALD: Uh-huh.

25 CO IV ROMWEBER: We had contracts other

1 places. It's when we statewide went to contracts,
2 because Tucson already had contracts.

3 AN AUDIENCE MEMBER: The private prison had
4 a contract, because I worked there. In Tucson up until
5 '98 was still their own -- no. They weren't their own
6 white shirts, DOC white shirts.

7 MR. BURKE: Thank you, Sergeant, very much
8 for your time.

9 MS. HOLLIDAY: I'm Lee Holliday,
10 H-o-l-l-i-d-a-y.

11 MR. GUENTHER: Can you say that again?

12 MS. HOLLIDAY: I'm Lee Holliday. I'm a
13 family nurse practitioner. I have worked for the
14 department 23 years, two months, 25 and a half -- and
15 just a little over a half day. I brought my annual
16 leave signed by my supervisor so that I could appear
17 today on my own time. I just have a few issues. I
18 think you've got the gist that we are short of staff.
19 I wanted to make a few comments about how that impacts
20 the mental health staff at SMU II where I'm currently
21 assigned.

22 We all agree the COTA training is
23 excellent. When officers come out of COTA and begin
24 working, their OJT is not as excellent as that program.
25 Often it is immune to -- because they are so short,

1 they will spend one day walking with an officer, and
2 the next day they give them a set of keys and they tell
3 them you are running the line for the nurses.

4 They will actually ask the nursing staff
5 how to cuff the inmate, how to open the cell trapdoor.
6 The nurses are very comfortable with the experienced
7 officers. They keep us safe, we realize that, but
8 there is some concern about their safety when they are
9 with an OJT trainee that has only been here for a day
10 or two.

11 Our building has two runs with two hallways
12 each, so there's actually four hallways down that
13 building. If we have an IMS, they are so short, they
14 shut down the entire building. That stops all the
15 medical line in order to have enough officers to
16 respond to that IMS. If it turns out to be something
17 minor, then they open it back up again.

18 We do not have enough officers assigned to
19 our medical lines every day. We have the dentist; we
20 have the nursing line; we have med pass; we have my
21 line. I'm the healthcare provider. We have the lab
22 line. We get four officers a day, so literally daily,
23 we are prioritizing among ourselves who has the most
24 urgent patients that need to be seen. It delays inmate
25 care. It wastes a lot of our time and security's time

1 while we are deciding which line to run that day or how
2 many people on each line to run that day.

3 MR. GUENTHER: Lee, can you give us just a
4 better picture on -- in other words, when you are there
5 on the unit, where are you located?

6 MS. HOLLIDAY: I am there Monday through
7 Friday 8:00 to 6:00. I work 14-hour days.

8 MR. GUENTHER: Are you in a secured
9 location?

10 MS. HOLLIDAY: I am in the health unit in a
11 secured location Tuesdays and Thursdays and usually
12 Fridays, because my unit has the telemed program, and I
13 must be in the health unit when those telemeds come on,
14 because I have to be the intermediary for the doctor in
15 St. Mary's.

16 On Mondays when we simply do not have
17 telemeds, I go down to the pods because the officers
18 can turn the inmates much more quickly in the little
19 health room. We select the inmates on Monday to be on
20 my line. We schedule 20 people instead of 10 because I
21 can see twice as many in the pods because there is less
22 transport time walking from the cell up to the health
23 unit. But we select people with asthma, with simple
24 problems that we can do in that small room because we
25 don't have the equipment. If we schedule them on

1 Tuesday or Thursday or Friday, it's people that have to
2 come to the health unit.

3 MR. GUENTHER: Okay. When you go down to
4 the pod, you are escorted?

5 MS. HOLLIDAY: I go with my nursing
6 assistant, and we have an officer that escorts us. I
7 have priority as the healthcare provider; I get the
8 first officer through the gate. So on Friday, for
9 example, the dentist is there; the lab tech is there.
10 I'm there. Nurses run the nursing line. There's a
11 nurse that has to go down the runs and pass them in.
12 She needs an officer to escort her. The psychologist
13 is there in the morning. She is normally not there.
14 The psychologist that normally is there runs her line
15 in the afternoon so that she can have one of the
16 officers from the morning.

17 And I'm forgetting someone because there's
18 eight lines that are running, and every Friday morning,
19 we have to decide which four are going to run because
20 we only have four officers.

21 If there's an IMS, they shut it down and
22 nobody's lines run. If I run my entire -- and I only
23 schedule ten people a day because I know it's a problem
24 to escort. If I run my entire line two days out of two
25 weeks, that's a big deal. We have begun turning in an

1 incident report every time the line is not completed,
2 and it is literally every day now. Sometimes I get
3 close; sometimes I only have a person or two, but if
4 there's an IMS, I'm not going to see ten people.

5 MR. GUENTHER: Tell us about the population
6 of the SMU II.

7 MS. HOLLIDAY: SMU II houses death row. It
8 houses the VCU, the gang leader. There's a -- there's
9 another pod down there that's investigating DC.

10 MR. MASELLA: General population level
11 five.

12 MS. HOLLIDAY: So there's a variety of
13 people there. I provide their primary healthcare. We
14 have HIV patients, hepatitis C patients. I do all the
15 hypertension, diabetes, seizures. Those people come up
16 automatically since I always have an appointment, and I
17 write the scrips. When an inmate sends an H&R and asks
18 to be seen, they see nurses' lines first, and if it's
19 something they can take care of, if a guy has a cold or
20 something like that. If it's something the nurses
21 cannot take care of, they schedule it over to my line.

22 So we provide full-service healthcare on
23 that complex. If there's a problem that I cannot
24 handle, then the doctor comes over once a week
25 regularly on Tuesdays, but I can either have a phone

1 consult or have the doctor come over if there is
2 something they actually need to see.

3 The other point that I want to talk about
4 was retention. We not only don't get paid enough and
5 we are short, but we have a very hard time retaining
6 staff. When I first came to work for the department, I
7 was about in the middle of the pay, average pay for the
8 State of Arizona. The physician's assistants keep --
9 they put out a survey every year, and we all turn in
10 our salaries and they average it out. I was about in
11 the middle.

12 The policy at that time was if someone in
13 your job category was hired at more money than you
14 were, your salary went up to match him. That kept me
15 in the middle of the pay scale, because as community
16 pay went up and you had to offer people more money to
17 get them to come to work, you also had to pay the staff
18 that you had there doing the same job that same salary.

19 Several years ago, DOA changed that policy
20 and they no longer do that. I have gone from the
21 middle of the pay scale to the bottom of the pay scale
22 for mid-level providers in this state. I work an extra
23 day a week in private practice for one of the local
24 doctors to maintain what I need to do to pay my bills.
25 If we get a pay raise -- I don't know how they do this,

1 but they figure out -- either they raise Social
2 Security, they raise the insureds, they raise something
3 so that my take-home check is a few pennies one way or
4 the other. There is not a true raise on your paycheck
5 that you see.

6 When DOA changed that policy -- and this
7 doesn't apply just to medical, this applies to the
8 officers; it applies to the secretaries; it applies to
9 every type of staff that we have -- as our salaries go
10 lower and lower, it's more lucrative to work in private
11 practice. It's more lucrative for the captain to go
12 over to CCA than it is for him to stay here.

13 Virtually, the private companies, whether
14 it's another state agency, whether it's a private or
15 whether it's a doctor's office hiring, has their choice
16 of the people that they want to hire because they are
17 offering more money. That means cream of the crop, if
18 you want to put it that way, gets whisked off, and we
19 are left with people with less experience, which makes
20 it -- it just compounds the problem of not having their
21 senior staff, whether it's security or whether it's
22 medical, and you don't have that experience.

23 And I can tell you experience counts. When
24 I have an -- when I have an inmate in my office that's
25 not any particular problem to me but the officer is

1 standing less than two feet away from the exam table, I
2 know they are having a problem with that inmate, and
3 they are making sure that I'm okay that day. And I
4 don't say to them, "Why are you standing so close?" I
5 know that automatically. I don't question it. And
6 they do that for us on a daily basis. They will tell
7 us if someone is misbehaving. They will tell us if
8 there has been a threat against us. They take care of
9 us.

10 And I wanted to address very briefly the DO
11 909 policy because it impacts health services so much.
12 This is the one that is -- monitors what the inmates
13 have available at the inmate store, the
14 over-the-counter medications that the inmates could pay
15 for themselves. If they were on the street, they could
16 go down to Circle K or Wal-Mart and buy a package of
17 aspirin, a package of cold pills, a bottle of cough
18 syrup. They have a list of things that are approved
19 that are safe within the prison grounds, but in my
20 building in SMU II, there is four different lists,
21 depending on what that inmate's job category is.

22 The death row guys get everything off the
23 OTC list that was available to the inmates on the open
24 yard. The VCU guys get four items. And so every time
25 an inmate sends us an H&R asking for some kind of

1 over-the-counter product that maybe wouldn't even need
2 to be seen by the nurse, we have to look at, is he
3 indigent, which store list does he have, and decide
4 whether he gets a package of aspirin or whether we have
5 to take it out of our stock and take it to him.

6 MR. BURKE: Why are there four lists?

7 MS. HOLLIDAY: Because there are different
8 classifications within the building. The death row
9 inmates are entitled to everything that a general
10 population prisoner has, so they get everything that's
11 on the regular store list. The VCU's are extremely
12 limited. They are extremely limited on how much
13 property they can have. They are extremely limited on
14 how many OTC things they have access to at the store,
15 and I think their store is limited to the kind of food
16 things they can buy, too.

17 MR. BURKE: But on the list for the general
18 population, they can -- there are over-the-counter
19 medications that are subsidized by the State?

20 MS. HOLLIDAY: They are not subsidized by
21 the State. They sell them through the inmate store for
22 a lesser price than they could get them on the street.
23 But they do that by contract. But they also are able
24 to purchase them at the inmate store for less than the
25 \$3 charge that we charge them if they send in and say,

1 "I need Tylenol for my headache," and we give them
2 Tylenol. That's a \$3 charge. If he buys a package of
3 12 Tylenol off the inmate store list, I think it is 75
4 cents, and we would like to make that list uniform, and
5 we would like them to have access to the
6 over-the-counter kinds of things. They would do their
7 own healthcare and cut down on our nursing time.

8 One other little thing I want to say to you
9 is, when you try to look at how short staffed we are,
10 if you asked today how many nurses Eyman is short, they
11 would say we are fully staffed because they took all
12 the vacant positions and magically transposed them to
13 central office. If we have a nurse apply and we can
14 talk her into coming to work for us, we can turn in a
15 justification for that position, and we will magically
16 get one of those vacant positions back, but to just
17 look at it on paper, we are fully staffed, and we are
18 not. We are about -- we fluctuate between 40 to 60
19 percent, depending on how many nurses quit that
20 particular week.

21 MR. GUENTHER: Remind us what VCU is.

22 AN AUDIENCE MEMBER: Violence Control Unit.
23 They are assaultive; they assault the staff, assault
24 other inmates, manufacture their own weapons and that
25 sort of thing.

1 MR. GUENTHER: Is there a reason why a --
2 an OTC list would be different for different categories
3 of inmates? Is there a security reason?

4 CAPTAIN ROWLAND: Accumulation of
5 medication containers to which they come in -- the
6 containers are like bottles and caps and that sort of
7 thing to be able to throw on staff.

8 MS. HOLLIDAY: We issue our meds in a
9 plastic envelope. We don't put any paper clips on
10 them. You can't -- you can get around that. Instead
11 of giving them a Mylanta container, you issue them
12 antacid tablets. I mean, we can work with security to
13 do that, but the guys in VCU still get a headache,
14 still get a cold, still get gastritis and heartburn
15 from Canteen food. You know, they are not less ill.
16 It just means that we have -- the nurses have to carry
17 it to the cell.

18 MR. GUENTHER: So it is more containers --
19 it's package more than anything else?

20 MS. HOLLIDAY: Yeah.

21 CAPTAIN ROWLAND: Sir, if I can, something
22 that hasn't been brought up, it's also a propensity for
23 higher custody level inmates to hoard those items,
24 overdose on them causing a serious medical issue, as
25 well, at a later time. The higher the custody, the

1 more habit they have of keeping those medications and
2 using them inappropriately.

3 MR. BURKE: Any other questions?

4 MR. GUENTHER: No.

5 MR. BURKE: Thank you very much.

6 LIEUTENANT ANDERSEN: My name is Lieutenant
7 Andersen, A-n-d-e-r-s-e-n. Since I have been employed
8 with the Department of Corrections, fortunately, that
9 time has been spent here at Eyman complex. I have
10 grown up in Eyman complex, and what I have in common
11 with what we have just seen in the Lewis complex is
12 Eyman complex is fairly new. So I saw some of what it
13 takes and some of what the staff experienced. Number
14 one factor in what went wrong in the Lewis complex is
15 youth inexperience. You cannot exchange good training
16 and have that take over for an inexperienced officer.
17 That's all there is to it. I don't think it is a
18 terribly difficult formula.

19 Those staff are put in a difficult
20 situation without the tools they need to succeed.
21 Inexperienced supervisors and untrained supervisors
22 taking over and put on open yard settings with
23 extremely dangerous inmates. It's understandable that
24 we need to move some of these dangerous inmates out of
25 the super max settings. Our population is growing. We

1 are putting the lower risk inmates at private settings,
2 which is fine. We have a lot of dangerous inmates.
3 Arizona is growing and we are not growing with Arizona,
4 and that's the problem. We have not been creative. I
5 think there is an intentional undermining in this
6 department from a legislative level. I think if you
7 have been here for a while, you can recognize this.

8 Let me explain a couple issues that have
9 not been dealt with the way they should have been,
10 specifically our retirement plan. We in DOC are
11 fortunate enough that with the turnover rate, there is
12 a couple positive advantages to this, and that is, we
13 have a large number of people put in a large number of
14 money into a retirement system. We see very few
15 retirees, yet, our retirement system is pathetic at
16 best. We should have a 20-year plan. We should have
17 more than 50 percent returned, and when we walk out of
18 here, we should also see medical.

19 That's my opinion on that, that we have not
20 been creative in that area. Why not -- why not take
21 advantage of a huge pool of money that's available and
22 give it to our retirees, give our staff some credit.

23 These young officers that are starting with
24 the Department of Corrections look into the future and
25 they can see, hey, there's -- if there is something to

1 stay, they'll stay, if there's a reason. They see what
2 happens with the supervision of this department. They
3 understand that if there is no benefit or no gain to
4 promote -- there is a lot of good officers, quality
5 people that work for this department that do not take
6 the extra steps and shine in this department because
7 there is no incentive.

8 We work for the Department of Corrections
9 to get paid. We want to provide for our families, and
10 through the legislative process, we -- they have not
11 done good service to this department and to the
12 employees of the State of Arizona, so my message to you
13 is, if you could sell to the public in the state of
14 Arizona, the fact is that we do have good staff.

15 I will speak for Eyman complex, because
16 this is where my experience is. This is the finest run
17 complex in the state. We have very few external issues
18 that happen here because we manage this department very
19 well. Sheriff Vanderpool can attest for that one.
20 When he had his riot at Pinal County, we stepped up and
21 we assisted, and we work well as a team, and we do that
22 on a daily basis.

23 I think there were exceptions to a couple
24 of points that were raised. We do provide staff here
25 with safety equipment. Any staff member that needs

1 that protective equipment gets it. And if there's an
2 issue -- and I'll speak all the way down to latex
3 gloves. We have supervisors that look at these staff,
4 and we take ownership and we care that these staff are
5 taken care of, so it's important that you understand
6 that there is a lot of quality supervision in this
7 State and in this department.

8 You are not going to fix this problem
9 without the support of the legislators in this state.
10 This department needs more funding. It needs to take
11 care of its number one resource, and that's staff, and
12 it is not a complex problem. You can line up a hundred
13 correctional officers with experience, and they are
14 going to tell you the same thing. A lot of people come
15 here with creative ideas, and they don't want to say to
16 you it's about the money because that's a simplistic
17 approach, but the reality is, that's the deal.

18 So that's what I have to say today. I
19 don't know if you have any questions.

20 MR. BRANHAM: Can we go back to the PE for
21 just a minute? Does everybody carry their personal
22 protective equipment? Is there a way to do that? Do
23 you have your guys do that?

24 LIEUTENANT ANDERSEN: We don't so much as
25 dictate how they carry it as we do dictate that they

1 have it with them, and we assure our supervisors that
2 they do. It's our job, the supervisors, to hold them
3 accountable and we do. If they are not bringing their
4 protective equipment and we are not paying any
5 attention as supervisors, it falls on our shoulders,
6 and we are not doing our job.

7 If you are getting complaints about staff
8 not wearing their protective equipment, that's a
9 reflection of the supervision, not a reflection of the
10 State not providing that equipment.

11 MR. GUENTHER: Do you think that the staff
12 has adequate training in handling biohazardous
13 substances?

14 LIEUTENANT ANDERSEN: I think that the
15 staff has as much training as could be expected, but
16 it's a nasty job. What we provide -- I'll speak for
17 SMU I and SMU II, since I have worked in those
18 environments. And that's where you are going to have
19 the greatest problems with biohazard, inmates smearing
20 feces or throwing feces. When we do cleanups, we have
21 bodysuits that we give staff and give you complete face
22 masks. We require that they wear eye protection when
23 they walk in the pods. You know, it's a dangerous job.

24 When we walk in the pod, we are susceptible
25 to have fecal matter thrown on us. The reality of the

1 matter is, that's just the case. At the super max
2 setting, we are dealing with some dangerous, unstable
3 individuals. A lot of times, it's mental health
4 problems. Those are our greatest management threats,
5 therefore, getting fecal matter thrown on us. But we
6 have to manage that, and we do a pretty good job. And
7 saying yeah, we have to do that, we have to deal with
8 those issues daily, there's no doubt about it.

9 MR. GUENTHER: But do the people working in
10 those units have extra training in biohazards?

11 LIEUTENANT ANDERSEN: No. Their training
12 is from experience. An OJT walking in doesn't have any
13 knowledge, but somebody that has been working there for
14 five years is pretty good with dealing with those
15 issues, and there again, I'll fall right back on what I
16 was saying earlier. There is no replacement for
17 experience. If we do not resolve the fact that we are
18 not keeping our staff, we will not make our prisons
19 safe. It is that simple. If we don't keep and retain
20 the staff that we have, we are not going to have safe
21 prisons throughout the state of Arizona.

22 At Eyman complex, specifically, I think
23 that the administrators have done an excellent job of
24 identifying the resources available and allocating what
25 resources we have to the different areas where we are

1 effective. But there is no doubt, we are stretched.
2 These critical minimum numbers are just
3 that. They are critical, and that's what we run at. A
4 super max SMU II is run at 38 staff members. That's a
5 labor-intensive job, and to manage 900 inmates behind
6 Plexiglas and cell fronts, you are keeping in mind you
7 have to feed, you have to recreate, you have to shower
8 these inmates. That's a lot of work with not too much
9 staff. So I'm proud of the fact that I work in an
10 atmosphere that we do as well as we do. We provide the
11 taxpayers a service here, and we do a pretty darn good
12 job. We get a lot of bang for our buck.

13 MR. BURKE: You said Eyman is a well-run
14 facility. Does the Lewis complex have a reputation of
15 not being well run?

16 LIEUTENANT ANDERSEN: Lewis complex is
17 brand-new. Lewis complex is going through growing
18 pains, and from what I have seen, it is not well run.
19 It is not well supervised. It has inexperienced staff,
20 and it has a unique design, different.

21 When Eyman complex grew up, it was built
22 one unit at a time and each unit was staffed
23 individually. Lewis complex was -- put all units at
24 one time. So it's unique in that they had to staff a
25 larger number of inmates in a shorter period of time,

1 and they dealt with more problems at one given time at
2 Lewis.

3 MS. MORRISON: Why do you say it's not
4 supervised well?

5 LIEUTENANT ANDERSEN: I say it's not
6 supervised well because I watched the videotape of an
7 incident that occurred prior to the hostage taking, and
8 one of the things that occurred was that the inmates
9 had overrun some staff on an open-yard setting, and the
10 staff attempted to close the gate. They were
11 unsuccessful. One of the officers was overrun by
12 several inmates.

13 Initially, the officers reacted well. They
14 deployed gas very well, and then they went into what we
15 call an IMS situation. The problems that I observed at
16 that point was that there was radio traffic that sent a
17 deputy warden directing from a distance away, directing
18 staff. That goes against everything we have trained
19 within the department.

20 If we have an incident, we have what's
21 called IMS, which is an Incident Management System, and
22 the incident commander has the ultimate authority.
23 When an outside person says, "Hey, hold off until I get
24 there," he tells me he doesn't have any confidence in
25 the people that are on-site. To me, that's an

1 indication of -- you know, of individuals that don't
2 have experience. Either that -- the deputy warden that
3 was making that decision made a bad decision. That's
4 one indicator to me.

5 The fact that the inmates are as emboldened
6 as they are to assault staff tells me the staff is not
7 doing a good job managing. That's a reflection of
8 inexperience. That's -- obviously, even though we are
9 dealing with a real dangerous population in inmates,
10 the more experience you have -- and I'll keep drawing
11 on that -- the better you are at identifying factors
12 and resolving issues before they become large. And I
13 don't want you to think for one second that I don't
14 think highly of those officers, but they just have
15 their hands full.

16 MR. BURKE: There was an officer that
17 testified yesterday that said inmates can pick up radio
18 traffic amongst officers on their TV and radios. Have
19 you ever heard of that?

20 LIEUTENANT ANDERSEN: Never heard of it.

21 CO IV ROMWEBER: Had it happen at Cook
22 Unit. Had it happen at Cook Unit with the old ones.

23 MR. BRANHAM: I'm sorry. The old TVs or
24 the old radios?

25 AN AUDIENCE MEMBER: The old TV's that had

1 the UHF dial on it, they were able to pick up radio
2 traffic, cell phones, all those things like that.

3 MR. BURKE: So the anecdote is rather a
4 little dated, I take it then?

5 LIEUTENANT LAO: That's my understanding,
6 yes, sir. You will always have that happen because you
7 are broadcasting on a UHF or VHF band which is FM, and
8 TV signals are in the FM signal, too, so you kind of
9 have a drift.

10 MR. BURKE: Thank you, sir.

11 MR. BRANHAM: Thanks for your time.

12 SERGEANT MILLER: My name is Sergeant Bruce
13 Miller. I work at SMU I. I'm a disciplinary
14 supervisor. I'm also a training instructor at the
15 academy. I do a lot of teaching down there. And one
16 of the issues I see that to be lacking is -- training
17 at the academy is probably one of the best in the
18 United States, ranked number four.

19 Once a cadet comes to the unit, one of the
20 biggest things that I see, being that I'm able to view
21 both avenues, is that we don't really provide them from
22 the background they are coming from to the career they
23 are taking. Namely, how do we talk to inmates? How do
24 we talk to them as people? All right? We have a
25 tendency to have a culture that we are trying to break

1 and work with, at least from my avenue, is that they
2 got nothing coming.

3 Given the opportunity of being disciplinary
4 coordinator -- they had a couple of assaults out at
5 Lewis after the incident. I was able to go out and
6 talk to a couple of inmates that assaulted an officer
7 at Morey Unit, and I asked them, I said, "Look. Just
8 between you and me, what's going on out there?" And he
9 said, "When I come down to SMU I a while back, there's
10 a certain respect that the officers will give us there.
11 We know where we are. We know we are at SMU I, special
12 management. It ain't no mom-and-pop organization;
13 however, when I went out to Morey, the disrespect that
14 was going on even from a supervisory level,
15 name-calling and putting down and calling these guys
16 yard pussies, can't handle in an open yard, PC punks
17 and that sort of thing." We are creating our own
18 problems.

19 And that comes from a culture that exists
20 that's down the hallways at SMU I, and it's on the
21 yards. These guys got nothing coming, and it's a hard
22 thing to train, and it comes from a supervisory level,
23 that we need to tell our staff that we are care -- our
24 job is care and custody wardens of the State. Our job
25 is to get what they got coming, nothing else. But

1 sometimes when those gates close and those doors shut,
2 they become a little different supervisory issues,
3 because we are not supervising them in their natural
4 environment.

5 Now, when that occurs is that's called tit
6 for tat. Okay? I get -- I read disciplinary reports
7 from other units, especially a red flag from the Lewis
8 complex that we got people that will sit there and
9 argue with inmates. We don't argue with inmates. But
10 where is this coming from? It's coming from us as a
11 unit as a peephole.

12 I believe in training. If we had funds to
13 do the right training, training on a -- we provide
14 15-minute modules in a film of a videotape to show
15 people how to use the fire extinguisher, pull a pin,
16 point it at the fire, squeeze the trigger; however, how
17 do we deal with an inmate when we walk up to them, and
18 how do we put in the back of our mind that this is a
19 child molester, a guy that raped his own daughter who
20 had a kid and then raped his own grandchild?

21 We have a lot of issues that we deal with
22 down there as far as personal, and I think we need
23 support to look at what we deal with. The public puts
24 away their criminals, not view them. They put their
25 insane people away, not view them. But all of a

1 sudden, an incident comes up, and it looks at the
2 faults of what we do. But how does the public support
3 us in doing what we need to do? Of course we need
4 money. Of course we need people, but we need people
5 with the proper training.

6 COTA is a great foundation. It's a
7 concrete foundation, but sometimes we get them in the
8 unit, and due to lack of funds, lack of time, lack of
9 time to allow people to train these people, okay,
10 because they are working a post training, they have a
11 job at a post, but they are supposed to train this
12 person. We don't have the money to put a person on
13 extra to train a person, have training officers, have
14 mentors that these people can go to to counteract what
15 happens down there when you run into a not so good
16 officer that creates a nothing coming-type attitude.

17 Of course, you know, the staffing levels
18 and stuff like that that was determined, you know, by
19 people that look at numbers, look at statistics, and
20 not necessarily the tasks of the unit.

21 My second thing about that is that the --
22 it was before my time. I've been in the Department
23 of -- I've started my fifth year, so in terms of still
24 digesting COTA chow might still apply to me, but I do
25 understand that there's a level that when a cadet comes

1 out of COTA and becomes a CO II, you have senior staff,
2 but the senior staff has a hard time taking ownership
3 of directing and telling these people what to do. When
4 you put a CO II in charge of a yard, you are putting
5 him in an elevated position of responsibility,
6 directing other CO II's and functioning and completing
7 the tasks of that unit; however, what do we give him?
8 We give him a hard time because there are CO II's that
9 make the same amount of money and will take no
10 direction from somebody because they are the same rank.

11 I believe that the rank system should be a
12 CO with testing, with CO II, with a pay raise -- with a
13 pay raise so this person takes ownership, and that way,
14 we put CO II's in our towers; we put CO II's in our
15 egress areas and our entry areas. And time -- I don't
16 know. I'm not that type of expert to say how much time
17 in service. I don't know what test that person would
18 take, but I do know we need the experience levels in
19 our egress areas and our entry areas, because those are
20 our weak points. Okay?

21 We have staff that are very good at what
22 they do, six months in what they do. We have others
23 that will never be good at what they do, and it doesn't
24 mean how long they have been in. They might have been
25 in a long time. It is hard for me to take new staff

1 onto the unit and say, "Well, this person has been here
2 the longest. You need to train with them." That's not
3 always the case.

4 But we need to get that person a sense of
5 ownership and pay them more, a little bit more a step
6 level between the CO and the CO II and sergeant.

7 To become a CO II to a sergeant is a hell
8 of a step. I came from North Unit, a 1/2 yard to SMU
9 I. The culture shock I went through. That unit has
10 right now three different units in it. We are dealing
11 with an A-08, general population; we are dealing with
12 A-30, Protective Segregation; and now we have A-28,
13 mental health, and you are taking people from the cadet
14 level and putting them in and dealing with this diverse
15 population, different escort levels, different store,
16 just a whole different bunch of people mixed into one
17 building. And to try to train a person -- I have been
18 there now a year and a half, and there are still areas
19 I can shake my head and -- you know, which holding cell
20 holds which person? Where does this guy go? It's just
21 hard. Okay?

22 So I think it needs to be looked at as
23 money spent. Of course everybody wants more money.
24 Where are we going to get it? I don't know. Okay? I
25 have faith there are proposals in front of the

1 legislature. I think it is going to be a recognized
2 factor, that yeah, the pay rate needs to be adjusted.
3 But we need to have the moneys for the training of the
4 staff that we do get, also. And the 40 hours might be
5 the answer, but what kind of training also needs to be
6 looked at that's important when we are dealing with
7 these people that are convicted felons.

8 A person that works at Circle K and
9 completes COTA does not necessarily mean he can deal
10 with the aspect of putting things in the back of his
11 mind when dealing with criminals. We -- also, QWL 21.
12 I'm not an expert at it. As a matter of fact, probably
13 in this room, I'd probably be the most ignorant. But I
14 do know we do have recognizable problems. We do have
15 recognizable things that occur, and from the point of
16 infraction, the point of mistake or misconduct to the
17 point of sanctions and, you know, maybe dismissal, is
18 too long of a time, too long of a time.

19 If we give people the opportunity to be
20 around months before it comes to a point that we get
21 rid of them -- and it's recognizable. Okay? And I'm
22 not in favor of getting rid of anybody. I'm an
23 instructor. I believe hopefully we can get them enough
24 training and amount of attention they need to make them
25 a good officer, but at times, we don't have that, and

1 we have been hanging around too long.

2 My other point, and it's just real short
3 and sweet, is that I'd like to thank you for bringing
4 your attention to us and stuff on these issues that
5 have been brought up here that you have listened to,
6 and I hope you take the core issues with what we need
7 to be dealt with, because we are a proud department.
8 Most of us that work here are very proud. And thank
9 you for your time.

10 MR. BURKE: Thank you, sir. QWL 21, is
11 that disciplinary?

12 SERGEANT MILLER: That is an employee
13 disciplinary process, how they differentiate between
14 mistakes and misconducts and the sanctions, you know,
15 dealing with that type -- like a mistake, dealing with
16 sanctions on a mistake versus misconduct.

17 MR. BURKE: And so if you were to
18 discipline someone who reports to you that your
19 decision goes up the ranks -- explain to me how you
20 discipline someone underneath you and why there is a
21 lag time between what you seek in discipline and what
22 actually occurs.

23 SERGEANT MILLER: Basically we have -- as
24 supervisors, we can issue letters of instruction and
25 necessities to improve. We can initiate a supervisory

1 complaint. At that point, it goes into an
2 investigation. It goes into a green book, okay, for
3 lower level infractions or red book for higher level
4 misconducts. Between the resolutions from the
5 initiations of red books to the finalizations of red
6 books, of course, depending on the investigation, sir,
7 and everything else and how intricate it needs to be
8 done, is a long period of time, more so than it really
9 needs to be.

10 MR. BURKE: Thank you.

11 SERGEANT MILLER: You're welcome.

12 CO III FOCHT: My name is Diana Focht,
13 F-o-c-h-t. I'm a CO III. I'm a grievance coordinator.
14 I see the director here a lot, because with me being
15 new at SMU II and her new as a director, the grievances
16 at SMU II more than doubled in five and a half months,
17 over the first six and a half months of last year. I
18 have learned very rapidly.

19 I want to thank Governor Napolitano and
20 Director Schriro for the hostage outcome. I am very
21 glad that that little girl gets to see her mother and
22 she gets to talk to her mother every day, and I'm very
23 grateful that that 21-year-old officer is going to get
24 to grow up. I would like to know that my life is worth
25 more than 15 days. And I thank you.

1 I started as an officer. I was an officer
2 for four years, and I was the only female kitchen
3 security officer at a level-four. I would like to
4 share a little bit with you. I had anywhere from 38 to
5 54 inmates in that kitchen a day, and I was the only
6 officer in there, and I had many discussions with my
7 supervisor how unsafe it was. We did have cameras in
8 the unit, but one officer -- let me tell you something.
9 If 38 inmates would have went off, I wouldn't have
10 stood a chance.

11 MR. BURKE: This is in a kitchen setting?

12 CO III FOCHT: Yes.

13 MR. BURKE: And when was this?

14 CO III FOCHT: Actually, about three years
15 ago. I'm trying to think. Probably in 1999 to 2001.

16 MR. BURKE: And there were cameras in the
17 kitchen area?

18 CO III FOCHT: Yes, but it didn't cover all
19 areas, and it would -- I only actually had one IMS
20 while I was in the kitchen, and because I have a good
21 rapport with staff, they responded very quickly and it
22 wasn't directed at me. Canteen was involved in it.

23 When I got into the kitchen, I made one of
24 the biggest drug busts that have been made there. I
25 want to share with you how my day went after I did

1 that. I did not expect a medal, because it was part of
2 my job, but at 7:00 p.m. that evening, I was in the
3 chow hall getting my tush chewed out by the captain
4 because I embarrassed the unit.

5 To this day, I have never figured out how I
6 embarrassed the unit, but he thought I did because I
7 made him look bad. He was promoted. He is now
8 retired. I thank to God for that.

9 I caught Canteen having sexual relations in
10 the kitchen. Not one, not two, not three, but four.

11 MR. BURKE: Four instances with the same
12 individual?

13 CO III FOCHT: No, four different Canteen
14 females actually having sex in my kitchen and even in
15 the freezer. It was disgusting. But you know what? I
16 was almost put under investigation for that because
17 they couldn't understand how I could catch four Canteen
18 personnel having sex in the kitchen, and since I was
19 the only female kitchen officer, I probably was making
20 it up.

21 But I had an ADW who knew me -- or not
22 personally, but knew my work ethics, and it all came
23 out good for me.

24 But I want you to understand. We have had
25 some really big problems in this Department of

1 Corrections. I have only stayed because I just knew
2 the good Lord in his infinite mercy would one day give
3 us a director that knew what they were doing.

4 We complained about raises, and I'm not
5 going to go into that -- just a little bit at the end,
6 because you all know we want raises -- but we have the
7 greatest power in our hands to take care of the
8 situation, and we don't do anything about that. We can
9 vote. Three percent of the Department of Corrections'
10 officers are registered to vote, and we need to do
11 something about getting them registered to vote.

12 Because I worked with a legislator many
13 years ago in the State of Washington, and I went over
14 to Olympia where our capital is at and witnessed when a
15 voter would call or a person would call, they had
16 assistance to look up if they were registered. If you
17 were registered, you got great treatment. If you were
18 not; you were basically hung up on. We have to realize
19 that we can control this legislature. If we don't like
20 what they are doing, we can vote them out of office.

21 MR. GUENTHER: Can we ask just one
22 question, please?

23 CO III FOCHT: Yes, sir.

24 MR. GUENTHER: Where were you working in
25 the kitchen?

1 CO III FOCHT: At the Rynning Unit here at
2 Eyman complex. We had level-four and we had some
3 level-five and occasionally level-three that we just
4 didn't get fast enough, and some of the level-fives
5 shouldn't have been there.

6 MR. GUENTHER: Thank you.

7 CO III FOCHT: I think that our academy
8 needs some work done on it, but overall, it's a very
9 good academy. I think one of the areas that really
10 needs some work is in the self-defense program. We can
11 only be trained so much. You have to have -- beyond
12 being trained, you have to have integrity and common
13 sense to do your job, and if you do not have integrity,
14 you are not going to follow policy; you are going to
15 try to cut corners, and you are not going to care what
16 happens to other staff. When it's time to do a job --
17 I realize a lot of people lack common sense, but if you
18 don't have common sense, you follow policy.

19 I would like to address our grievance
20 policy a little bit since that's my pet peeve and since
21 I am a grievance coordinator. There is absolutely no
22 way I can stop an inmate from grieving all the way up
23 to the director and wasting her time. No matter if I
24 give the answer from policy and I investigate every
25 grievance I get, I cannot stop them. They don't like

1 my answer, they appeal it to our deputy warden. They
2 don't like his answer, then they appeal it to the
3 director. And along the way, they write Mr. Trujillo
4 and Mr. Rollins and Mr. Luna, and you cannot stop them,
5 and we need some way to stop them. They have a right
6 to grieve and it's a genuine issue, but if the issue
7 has been addressed, they are wasting our time and
8 resources.

9 I think the department focuses too much on
10 the negative and not on the positive. I would like to
11 make -- I would like to go back and make a comment
12 about integrity. We had, with this hostage situation,
13 an officer go on television and talk about how their
14 radio was taken away from them and they were beaten
15 with that radio. Well, I take real offense to that
16 because that officer at no one time admitted that they
17 did not follow policy. Had they followed policy, the
18 incident would have probably never happened.

19 We need to make staff members, all of us,
20 accountable for what we do. The same standards need to
21 go from the top to the bottom. And now that I'm in
22 programs, I'd just like to share a little bit because I
23 have an opportunity.

24 I didn't believe the other CO III's when
25 they said when you promoted, you lost money and you

1 never got a raise. And I thought, "Oh. We have some
2 disgruntled employees." Well, we do have some
3 disgruntled employees, but they are absolutely right.
4 We start at this phase, and we can go to here, but we
5 have no way from getting from here to here. We do not
6 get a yearly raise. Actually, had I not gone to SMU
7 II, I would have lost \$60 a month.

8 I do not get a uniform allowance. I wear
9 basically this every day. I do not wear it out on the
10 streets. I have, you know, more than one pair of pants
11 and a shirt, but I do not wear it out on the street.

12 My first year as a CO III, I spent almost
13 six weeks on shift. I just think that there is some
14 discrepancies there that need to be taken care of.
15 Officers work an eight-hour shift. Programs has to
16 work an eight-and-a-half-hour shift. Well, you don't
17 have time to leave the unit to go eat, because if you
18 do, you have to stay longer in the day or you have to
19 use your annual leave. We never ever get to have a
20 lunch hour that we are not bothered by radio traffic or
21 phone, so most of the time, the department gets two and
22 a half hours free from me every week because I would
23 just rather eat at my desk and work because it is less
24 aggravating.

25 I'd like to know why we don't receive

1 uniform allowance. Actually, I would like to know why
2 programs is not dressed in uniform, not in a brown
3 uniform, but we should have to have a standard so that
4 when we enter a unit, they know who we are.

5 Not only did I lose money when I took this
6 promotion, I lost my stipend, and I lost the van pool
7 privileges. And I drive to work every day. I drive 60
8 miles one way every day, and we did have the
9 ten-and-a-half -- the four, ten-hour shifts or
10 ten-and-a-half-hour shifts, and they were taken away.
11 And I'm hoping that the director will take another look
12 at it, because of the price of gas right now, it is
13 pretty spendy.

14 I wanted to make a point to address
15 Mr. Trujillo and to thank him for how well he runs
16 Eyman complex. I have been here for seven years, and I
17 am very comfortable if I have a problem knowing that I
18 can go talk to him, and I won't be retaliated against.
19 I have already done that, and I was not retaliated
20 against. I thank you for your time.

21 MR. BURKE: You mentioned in the beginning,
22 ma'am, that you have seen a spike in your grievances at
23 the beginning of the year. Can you explain that a
24 little further?

25 CO III FOCHT: Because they have a new

1 grievance coordinator, and they thought that maybe I
2 wouldn't be up on stuff and slip through stuff again
3 that they had been denied, and when the department got
4 a new director, they figured that the director would
5 come in and change everything and think they were
6 wonderful and grant them anything they wanted.

7 MR. BURKE: That's all I have. Thank you.

8 SERGEANT COLCLASURE: My name is John
9 Colclasure, C-o-l-c-l-a-s-u-r-e. I'm the statewide
10 executive recruiter for AZCPOA, and I'm a sergeant at
11 East Unit. I've been with the department for ten
12 years, and basically, I like my job. There's a couple
13 of things that I kind of would like to mention. I
14 bring this up -- first of all, I have been here ten
15 years, and I found out yesterday -- it was kind of
16 interesting because I did some checking -- if I only
17 made \$933 less, I'd be ready for food stamps and
18 AHCCCS.

19 I have two kids and a wife that works. I
20 have been here ten years. That doesn't make sense. I
21 don't think it makes sense. When I promoted, I lost 90
22 cents an hour. I promoted because I wanted to make the
23 department better, and I'll continue to make the
24 department better, regardless of that particular mishap
25 in funds.

1 I have noticed the funds -- a lot of people
2 will get mad at -- they are pointing their fingers in
3 all kinds of directions, but I can frankly say that I
4 believe that the legislature, if there is a fault, it's
5 there. We have asked and we have asked and we have
6 asked. We have warned and we have warned and we have
7 warned, and this is what happened. The director that
8 we have now is a godsend, a godsend, because she is
9 somebody that actually listens, somebody that pays
10 attention.

11 Now, before, we had another director -- and
12 there is no reason for me even to mention this person's
13 name -- that would walk around and toss coins around.
14 "Here. Here, boy. Here's a coin."

15 MS. MORRISON: I don't understand the coin
16 thing. Can you explain that? Can I get the coin?

17 CO IV ROMWEBER: You can pass it all
18 around. I have three of them.

19 SERGEANT COLCLASURE: The department also
20 hired a company to do some fine studies. They paid
21 over a million dollars for this to be done. It is
22 called -- they discovered QWL. This particular person
23 put on this wonderful little tape, and I kind of
24 recognized the words that he was saying because it was
25 hitting me someplace, and I'm a University of Phoenix

1 student, and I don't know why it was hitting me, and
2 suddenly, I realized that the words were almost exactly
3 word for word the first paragraph of the introduction
4 of a text called "Organizational Behavior." Okay.

5 When QWL came out, the big deal was, let's
6 make sure that we get administrators close with our
7 people. We need to bond. Oh, man, we need to bond.

8 I was given a direct order at one time --
9 and I won't even mention these names -- to give
10 somebody -- give somebody else a direct order to come
11 and get a root beer float. The person didn't want a
12 root beer float. The person needed to work, but I was
13 given a direct order or I was going to have to write
14 him up.

15 Now, I have never heard of anything like
16 that in my life. And did I write him up? No. Did he
17 go? Yeah, because I gave him that direct order.
18 Frankly, that's embarrassing to me even to say that I
19 did it.

20 We have got a lot of problems that still
21 exist. We are looking at the Lewis complex, and we are
22 talking about the numbers that are down. I work at
23 East Unit. We have got just under 700 inmates, and on
24 graveyard, I have ten staff. There are no doors that
25 lock. Not one door locks. We were required for a long

1 time to do DART drills at night, and then -- a DART
2 drill is a Designated Armed Response Team. It is a
3 wonderful idea. The problem with doing this on a
4 graveyard is that I need to have six staff members and
5 myself off the yard to do this four times a month.
6 That leaves me with, I believe, one in main control.
7 That means three people are left on a 40-something-acre
8 prison with no doors and locks on these inmates. It
9 makes no sense.

10 Times are changing. My deputy warden, and
11 I give him a lot of credit, Carson McWilliams, said,
12 "No, don't do it," because I said I'm not going to do
13 it. I'm sorry.

14 The respect issue. Oh, I love the respect
15 issue. In 1990 -- I'd say, '7, '96, I was assaulted by
16 an inmate in Rynning Unit, punched right in the nose,
17 broke my nose. I didn't even see it coming and doc
18 here, Holliday, can attest, I'm one of the ones that
19 are pretty easy to get along with. I had my radio back
20 here, and I got punched in the nose. He punched me
21 only because I was wearing brown.

22 Well, you would think there's a problem
23 with this. Pinal County, okay -- not you, big guy, not
24 you, but the prosecutor advised me -- when I hadn't
25 heard anything, because I was wondering what is going

1 on, the prosecutor advised my that, "Hey, you know,
2 that's part of your job."

3 Let me tell you something. That is not
4 part of my job. I asked the same prosecutor, who is no
5 longer in office, if he would mind if I got in my car
6 and drove a hundred miles an hour and waited for the
7 first officer to pull me over and to punch his officer
8 in the nose. He advised me that that was apples and
9 oranges. It is not apples and oranges, and I think you
10 can see it's not apples and oranges.

11 Just recently, we are starting to get
12 respect from the law enforcement community,
13 unfortunately because of negative -- we have got all
14 this wonderful -- hey, we've got promotion going on
15 here. It's too bad it always has to be when somebody
16 gets hurt. We have an officer get stabbed in CB-6
17 because of not having a vest. He actually wasn't
18 violating a policy because he didn't have a vest there,
19 but for some reason, nothing happened.

20 In Perryville, Officer Lumley suffered a
21 death, and all of a sudden, hey, he didn't lock the
22 door behind him. We start talking about what they
23 didn't do. Well, they are not alive now. We can do
24 that now. It's easy.

25 Training -- let me get back to the respect

1 issue because I have one more thing for you for
2 legislature. This will kill you. I was with Joe
3 Masella three different occasions talking to three
4 different television stations. Each time he brought up
5 the legislature, each time he brought up our past
6 director, believe it or not, not one time did any of
7 those little segments make it on air. Not one single
8 time. It makes me wonder.

9 We've got the respect that we should be
10 getting kind of going someplace in a weird direction
11 because, again, nobody really wants to find out why is
12 the legislature so protective or who's calling the news
13 stations. You are not going to kid me. I know what
14 that's about.

15 Training. Training here is not a bad
16 thing, and unfortunately, we don't really monitor it.
17 We say yeah, okay. We checked it. We've done it, but
18 there is no monitoring. There is a pay system that's
19 involved. We are essentially -- what we are doing is
20 we check out our employees, and you guys have heard
21 this already. Normally, the only thing that you find
22 in a pace is negative. When you say, "Hey, I need you
23 to sign my pace," what's your first thought? The first
24 thought is oh, God, what did I do; not, what did I do
25 right?

1 This has a lot to do with morale. Morale
2 has a lot to do with paying attention. It has to do
3 with paying -- with security on top of it.

4 We have a wonderful little DI. It's called
5 140. That's where we make sure that the inmates put
6 their underwear folded in the proper place, and they
7 have their socks folded over properly and their trunks
8 in a specific area. We are so busy making sure that
9 that's right, we have no idea what's going on over
10 here. I mean, we are looking -- instead of looking at
11 alligators, we are now looking at lizards. And that's
12 something I was taught a long time ago in this
13 department: stop looking at the lizards, worry about
14 the alligators.

15 Training, you come in, say, brand-new
16 officer, yeah, they got the week through. Most of the
17 time -- here is something that everybody has heard in
18 this room. After you are assigned -- "I'm going to
19 assign you to the kitchen." "Well, I have never been
20 in the kitchen." "You can't say that after now."
21 That's what is said. Exactly what is said.

22 The Canteen. The Canteen, it seems like we
23 have more problems with Canteen than anything. When I
24 first arrived at East Unit -- I'm one of those weird
25 sergeants that has the ability to talk to inmates, and

1 I get a kick out of it. But these people came to me,
2 and all of a sudden these inmates started telling me
3 about it, and I started thinking, "What are these
4 people, nuts?" And I started actually paying attention
5 to the portions and the serving size. It would blow
6 your mind if you actually looked at a serving size. I
7 went to my kid's school to pick him up. He was sick
8 during lunch. His hot dog was bigger and his plate was
9 more full than these inmates are getting. All right?

10 Now, there's another thing here where I'm
11 talking about this, and I can be seen as a,
12 quote/unquote, care bear because that's something that
13 has been thrown into the system. He's a care bear.
14 He's a care bear. No, that's not what I am. What I'm
15 trying to do is make it right for everybody. My job is
16 essentially to make sure that nobody gets over the
17 fence. My job is not to torment inmates. There is no
18 reason to torment the inmates.

19 601, this is an interesting one. 601 is an
20 investigation, and you have all heard this, too. Now,
21 sometimes -- and believe me, I have had my share. You
22 can hear -- I'm fairly loud so you know I'm kind of
23 obnoxious -- but the 601's, sometimes it appears that
24 people simply don't get charged the same for the exact
25 same problem. Aggravated or mitigating circumstances,

1 regardless, it doesn't make any difference. If you
2 have been around for a while, you can get past it.

3 I've been around for a while. I truly
4 believe that there are situations that I believe I
5 would not get fired for only because I've been here for
6 a while, and again, I've been around for a while.

7 Dealing with inmate grievances, this is
8 something that I thought of just a few seconds ago, and
9 I thought about before. You know, sometimes we'll have
10 COTA come in and they will do their little searches.
11 They will search and, you know what? They probably
12 search more than bust most of the staff that are on the
13 units now, because they are brand-new and they are
14 really hot; they want to feel it and want to see it.

15 Well, I had an incident where a cadet
16 accidentally opened a container of chewing tobacco. It
17 was a brand-new chewing tobacco. It cost what? \$2.25.
18 Now what do we do? I can't give them the chewing
19 tobacco. That would make me a bad guy. So what we say
20 is, "Go ahead and start the grievance." One can't want
21 and one has to wonder how many hands that goes through
22 and how much cost there actually is to dealing with
23 that \$2.25 can of tobacco when it could have been dealt
24 with quickly. Like giving the guy a can of tobacco,
25 not by me, but by the particular unit that you are

1 working in, that's a thought.

2 The panel -- you mentioned -- you guys, you
3 mentioned straight up, you are only as good as what we
4 tell you. And I'll come back a little bit. You guys
5 are only as good as what you do with what we tell you.

6 Do you have any questions?

7 MR. GUENTHER: Yes. How long have you been
8 performing?

9 SERGEANT COLCLASURE: Me? I have been
10 doing it forever. I have been doing it forever.

11 MR. GUENTHER: AZCPOA, what does it mean?

12 SERGEANT COLCLASURE: AZCPOA, it's part of
13 the -- it's the union.

14 MR. GUENTHER: Okay. I got you. And where
15 are you -- where are you working right now?

16 SERGEANT COLCLASURE: East Unit in
17 Florence.

18 MR. GUENTHER: And how do you think,
19 John -- like you say you have been around a long time.
20 How do you think you can get the legislature's
21 attention on Corrections?

22 SERGEANT COLCLASURE: One major way, and
23 this is something that I personally have taken
24 ownership of, if we can get people to vote. We need to
25 vote. Everybody likes to talk. Everybody likes to

1 complain, but unless we have people registered to vote
2 and actually going down there and voting, it makes no
3 difference. You gentlemen hear -- obviously, the news
4 media is going to be around a little bit. I can say,
5 "Hey, I beg you, say something to legislature the next
6 time you see them." I know you see them. But we have
7 to get proactive. We can't just lay back.

8 MR. GUENTHER: Good idea. What would you
9 do as far as the Canteen is concerned if you had the
10 ability?

11 SERGEANT COLCLASURE: If I had the ability,
12 and I could just make one swoop, I would eliminate
13 them. I would eliminate them, period. First of all, I
14 have never -- and as far as working, every single time
15 that I have made a drug bust, it has been in the
16 Canteen. Every time I have ever caught a situation
17 with a staff and inmate, it has been in Canteen. For
18 eight bucks an hour, forget it. It's not going to
19 work.

20 Canteen, when I first got over there, I
21 started to watch the portions that I mentioned, but I
22 also started to talk to the inmates in the back and
23 find out what they did. What they do is they project
24 what they are going to eat based off of what they ate
25 the last time they served the same meal. So what they

1 do is they cook this whole amount that they think they
2 are going to get, and of course they go over, and they
3 would dump out what was left because hey, they only
4 need 650 meals. Well, all after sudden at 651,
5 somebody is standing there waiting to eat.

6 Now, this may not seem like a lot. It
7 doesn't seem like a big problem, but let me tell you
8 something. When you are a sergeant that's open and
9 can't be locked down and you have a whole troop of
10 inmates screaming, "This ain't fair. This isn't fair,"
11 that's a security risk. That is a security risk.

12 MR. BRANHAM: Sergeant, could you tell us a
13 little bit about the door lock problems you mentioned a
14 couple of minutes ago?

15 SERGEANT COLCLASURE: That door lock
16 problem, as far as which one?

17 MR. BRANHAM: You mentioned there were
18 locks.

19 SERGEANT COLCLASURE: Our inmates aren't
20 locked down. They live in -- in quanza huts. Lovely
21 little thing. You would love one in your backyard.

22 CO IV ROMWEBER: Serg, wasn't East Unit a
23 temporary unit built 30 years ago, so we didn't need
24 locks for it?

25 SERGEANT COLCLASURE: As a matter of fact,

1 it was. It was a temporary unit that was only supposed
2 to be there a little while. Now, here's an interesting
3 thought, too. East Unit was built on a junkyard, and,
4 you know, over the last, I don't know, two, three
5 months, I have been -- I get bored on the graveyard.
6 You can see I would get bored on a graveyard. I
7 started --

8 MR. BRANHAM: But no one else would be
9 bored, right?

10 SERGEANT COLCLASURE: They are not bored.
11 Don't worry about it. I started sending my people out
12 with metal detectors. I have recovered over 40 pounds
13 of steel that could be made into shanks. 40 pounds.
14 That's a lot. You don't have to have a heavy thing to
15 stab you.

16 MR. GUENTHER: What do you do with it?

17 SERGEANT COLCLASURE: What do I do with it?
18 We have a little storage area out in the front, you
19 could say a mailbox. You put it in there, and half the
20 time you can't get into it now because I fill it up so
21 much. And I am very proud of my staff. You don't see
22 that a lot, but by keeping -- it's not hard to find,
23 for crying out loud.

24 MR. GUENTHER: You are saying it's an old
25 dumpsite?

1 SERGEANT COLCLASURE: Yes, it's an old
2 dumpsite. We have been waiting to find a car. It's
3 out there somewhere.

4 MR. BURKE: Maybe it's these coins.

5 SERGEANT COLCLASURE: Those coins, do you
6 like those coins?

7 MR. BURKE: No.

8 SERGEANT COLCLASURE: A lot of people that
9 I know didn't either. I have a bunch of them, and I --
10 you know, again, I am not going to say -- whenever
11 somebody says, you know, "Hey, I don't care. I'll
12 throw that plaque away," that's bologna. You keep the
13 plaque. Recognition is recognition. Everybody needs
14 to have a little bit of recognition every now and then,
15 and the way that -- sometimes in the department, we get
16 wrapped up because we don't have the funds and we don't
17 have the people, that we get wrapped up, and we can't
18 recognize our employees as often as we should. And
19 that's where as supervisors, we have to take a
20 proactive role in making the time.

21 I supposedly work ten hours a day. I work
22 more than ten hours a day. I have to, because I have
23 to be proactive; otherwise, I can't get up here and
24 pound on a soapbox and go home and not feel guilty.

25 What else do you got?

1 MR. GUENTHER: Just as long as the
2 recognition starts at home with your wife and your
3 kids, right?

4 SERGEANT COLCLASURE: Don't even talk to
5 them. I'm here all the time.

6 MR. BRANHAM: Thank you, Serg, that's all I
7 have.

8 SHERIFF VANDERPOOL: My deputies don't --
9 the charges don't get filed for them either.

10 SERGEANT COLCLASURE: They don't get filed
11 either?

12 SHERIFF VANDERPOOL: No.

13 SERGEANT COLCLASURE: See, that's not
14 right. Do you think it is?

15 SHERIFF VANDERPOOL: But you hit on a key
16 thing. Okay.

17 SERGEANT COLCLASURE: Thank you.

18 LIEUTENANT LAO: My name is Lieutenant Ed
19 Lao. I work with the Arizona Department of Corrections
20 with the Florence complex. Currently, I work at
21 Central Unit. My tenure at the department has been ten
22 years coming March 29th.

23 MR. GUENTHER: Is that right?

24 LIEUTENANT LAO: My last name is L-a-o. I
25 started my career in Corrections here in 1994. Prior

1 to that, I lived in the Philippines by Clark Air Force
2 Base and migrated here.

3 I can't really say on my view the
4 department has been really bad to me. It's got its
5 pros and cons, and just like any law enforcement agency
6 when you have a massive amount of employees, you also
7 have some that do not meet criteria.

8 I know there was a statement that was said
9 by Sergeant Masella which was resented by a lot of
10 staff members, including myself at first. And I said,
11 wait a minute. Why don't we all look back? We have
12 been talking about employee retention here throughout
13 this panel from day one. What we forgot to add is, we
14 need to retain good employees, quality employees.
15 That's it.

16 I read an article not too long ago, about
17 six, seven months ago, that was written about Sheriff
18 Vanderpool when you cleaned house with the Pinal County
19 Sheriff's Department. I think that's what this
20 department needs. We have a lot of staff members that
21 are pretty reliable, considering where the prison
22 systems are located at. They are out in the boonies.
23 They have to drive here day in and day out. Then we
24 have staff members that probably check part-time on
25 their application because they hardly show up.

1 To process these guys, to get them out of a
2 unit, to get disciplinary to go further to terminate
3 them even on probationary status, takes a long time
4 because of the due process requirement in the system.
5 I've constantly defended people with the personnel
6 board and with some grievances, but I pick and choose.
7 I'm like the Supreme Court; if it's not worthy, I'm not
8 taking it, because I'm not going to have something
9 losing on my belt. No, that's not me.

10 We have a system that's in place. We have
11 a disciplinary system that's in place. We also have
12 QWL 21 that's in place. QWL 21, which is the Quality
13 of Work Life survey, which was conducted a couple of
14 years ago spearheaded by Mr. Stewart, was intended on
15 aiming disciplinary -- or softening the disciplinary
16 blows at staff members that committed an infraction but
17 did not -- they had mitigating, more aggravating
18 factors to it.

19 Let me give you a good example. We have a
20 new officer coming into the unit. He accidentally
21 called for the sallyport gate to be open; breach of
22 security, class-five, 16 hours. That staff member has
23 been in the unit less than an hour, and this didn't
24 happen recently. That was in the past.

25 In the old days, we initiate an

1 investigation, either a green book or red book
2 investigation. Green book is a minor investigation;
3 staff member gets pace. Then we have a lackadaisical,
4 complacent employee that knows he is not going to get
5 fired, and we initiate an investigation, class-five,
6 same infraction, because he opened up two gates; breach
7 of security. That didn't make it far in the old days
8 because it compounded our disciplinary process along
9 with the investigative department with so much
10 caseloads that are frivolous. Some of them required
11 training, but that doesn't -- but when we -- when we
12 implemented QWL 21, some of the staff members that are
13 less desirable used that as a cloak. Okay? It was
14 used as a cloak to be immune from disciplinary systems.

15 The first thing that I can tell you guys is
16 I'm also the EEOC liaison for Central unit, and nobody
17 in this room as a supervisor, as an employee can say if
18 you want to write somebody up, if you are going to hold
19 some staff accountable, the first think you got to do
20 is ring that bell and file the EEOC charges. Whoa.
21 Hands off. That's all that it takes.

22 That shouldn't happen. I think the
23 agencies should look into revamping this whole process.
24 Just because somebody cried foul, does not mean we stop
25 holding those people accountable. This is where

1 breaches of security, this is where complacency comes
2 into play.

3 Now, coming back to the good staff members,
4 which are the majority of the people in Florence and
5 Eyman complex -- for heaven's sake, the entire state,
6 we have a lot of good staff members. We can gauge it
7 by two things. Even though some people don't recognize
8 it, most law enforcement agencies hire from us. Most
9 law enforcement agencies will hire from us: ATF, DEA,
10 Pinal County Sheriff's, Maricopa County, you name it,
11 Phoenix PD. You name it, they will hire from us.

12 That indicates to me one thing. These
13 staff members are trainable. These staff members are
14 smart enough. These staff members -- if they deserve
15 to get a \$35,000 paying job, we ought to get the same
16 thing because they have the ability or potential. The
17 hiring personnel human resources board have determined
18 that these staff members have the ability to do the job
19 out there. Just because we wear this brown uniform and
20 we don't have powers of arrest does not mean that we
21 are incompetent. We are not.

22 Recently, I was revising some post orders
23 at Central Unit after the incident at Lewis complex --
24 or during the incident at Lewis complex, I should say,
25 at the direction of Mr. McVicker and Warden Cluff, and

1 you know what? It has been instilled in my mind. I
2 know they told you about this time and time again about
3 DI 140, which is inmate grooming policy.

4 DI 140 is not necessarily bad in the prison
5 system because we have a constitutional obligation for
6 conditions of confinement with the inmate. The old
7 days, the old methods of DI 140 here is, an
8 administrator would walk the yard -- and I was present
9 about five years ago when an administrator walked
10 through the yard and saw cigarette butts and told the
11 deputy warden to start picking them up. Not good. I
12 was newly promoted as lieutenant. That administrator
13 no longer works here.

14 We have had a breath of fresh air when
15 Mr. Schuster and Mr. McVicker and Mr. Cluff came into
16 play. Mr. McVicker and Mr. Schuster pretty much are
17 parallel with their management as far as DI 140. They
18 should go hand in hand with security, none going above
19 the other. If you don't have DI 140, you will have a
20 lot of contraband, because that includes compliance of
21 property and housing, et cetera, et cetera, including
22 grooming, which I believe is how Wassenaar was able to
23 circumvent that system, because it wasn't enforced down
24 there.

25 So far when these guys came into play, they

1 said, "You know what? You guys need to slow it down.
2 We clean what we can clean. We make sure it's livable,
3 but, you know, do not sacrifice security for it." Mr.
4 McVicker said that day in and day out at Central Unit,
5 "Slow it down. We don't get paid extra for it."

6 Unfortunately, some of the staff members
7 were subjected into believing that DI 140 comes above
8 and beyond anything else, even security. When I was
9 making the post orders, going back to that,
10 Mr. McVicker told me, "You know what? You need to put
11 that sanitation, cleaning windows and stuff, at the
12 bottom and put security on the top." That's how
13 conditioned my mind is.

14 In addition to that, the other thing that
15 we should also do to retain staff members here, other
16 than the pay everybody has been talking about, or the
17 pay augmentation, is that we should also conduct
18 in-depth background checks of our applicants before
19 they even hit the door at COTA, before they even hit
20 the door at COTA.

21 I can give you a good example. Four weeks
22 ago, I taught a class from the regional academy,
23 searching and contraband, drugs, et cetera, et cetera.
24 A couple weeks later, a week later, the employee was
25 terminated for having marijuana in his car. Come on.

1 Give me a break. I know there is no way of detecting
2 everybody that's bad, but we should weed them out just
3 like the police departments do. For this agency to
4 make a big change, we need to start from the bottom and
5 rebuild up top.

6 We already have administrators in place.
7 Ms. Schriro was probably one of the most knowledgeable
8 ones that ever took over for her predecessors.

9 The other thing I would like to see go
10 away, in my opinion, is that when we have a staff
11 member that's on temporary work assignment, meaning if
12 they get injured, they get hurt, they can't perform, we
13 should not use the control rooms -- the control rooms
14 are critical security areas -- as temporary work
15 assignments. For one reason and one reason only. Even
16 though they may be able to perform the functions of
17 monitoring the system, et cetera, et cetera, that staff
18 member is hurt. We should reassign them somewhere
19 else.

20 The current practice is that we will put
21 them in the control room, no inmate contact. That
22 doesn't cut it. That doesn't cut it at all. You have
23 a staff member that's broken. You are going to expect
24 him or her to perform her job, similar to that of the
25 officer. We should get him out of the unit, give him

1 time to recuperate or put them in an area where it's
2 not a key post.

3 Finally, as all of you guys are pretty much
4 aware, the design of prison systems require sidelines.
5 If anybody doesn't know what sidelines are, it's the
6 ability or deficiency of a design to be able to put a
7 single officer in there and monitor a vast area or
8 field of view without requiring as many staff members.

9 In 2001 or 2002, the auditor general did a
10 study at the Eyman complex, and they have put several
11 issues on the table as far as sidelines -- present
12 sidelines are concerned. One of the ones that came up
13 is East Unit. There is no way to monitor inmate
14 activity inside those quanza huts. Same thing with
15 South Unit. South Unit's physical plant has been
16 around since 1930, and we have added different areas
17 there.

18 If we cannot enhance the staffing, we need
19 to augment it electronically. We need to use
20 technology that's out there. When I went to the --
21 see, I'm a fan for electronics. I went to the CES
22 convention -- every year I go there, the international
23 CES convention out in Las Vegas, Nevada. And I went
24 over there and I saw a lot of surveillance systems, and
25 then this thing happened. I said, "Oh, we can use

1 this." We could not even purchase a camera for the
2 tower without going through our contract who charges
3 twice as much as what we would pay for it on the
4 street.

5 Three years ago, Central Unit purchased
6 some cameras because they wanted to go digital, high
7 eight -- I think it is high eight -- where you can
8 process information from the camera to the computer,
9 put it on a disk, set it up via e-mail. But I came up
10 with some prices for Mr. Trujillo back then, three or
11 four years ago, and found some reasonable prices. We
12 had to go through our vendor, Topsell (phonetic)
13 Communications, and they charged us almost \$200 more
14 than what Best Buy was willing to sell us the cameras
15 for. Now, that is inefficiency, folks.

16 MR. BURKE: What's the name of the company
17 again?

18 LIEUTENANT LAO: Topsell Communications.
19 You know, these companies -- when I go to CES and they
20 swipe your card, they are asking us, "Do you want your
21 rep to come down?" We can't do that. Our hands are
22 tied because of bidding of contracts. We can amend a
23 lot of these for half the cost outside, and that's not
24 happening.

25 We have multiple, various equipment. Radio

1 batteries, they have already been brought up as
2 equipment deficiencies. Unfortunately, it is something
3 they have to deal with because they are a contract, and
4 I think it is part of the fault of the system.

5 I think as a suggestion, we should start
6 sending people in the technology field to go to these
7 trade shows, whether it is the International
8 Associations of Police Chief Expo or to CES, to pick up
9 some things and adapt them to our prison system. Las
10 Vegas does not use a lot of security staff. We have
11 more security staff than what the Bellagio has in one
12 unit, but they don't use any money because their system
13 is grade A. Now, electronically amending our security
14 does not take the place of officers, but it will sure
15 be a good deterrent.

16 The other thing I was going to bring up is
17 probably the revamping of our classifications systems.
18 I can tell you this. When Ms. Schriro said we should
19 look at the inmates propensity for violence, I said,
20 "Wow. Somebody finally listened."

21 Two years ago, myself and Officer Sheridan
22 at East Unit were doing a routine walk and saw an
23 inmate coming out of a housing unit. I decided to pat
24 him down, brought him to the bathroom and called the
25 other officer and did everything by the numbers. As

1 soon as my officer found a single pinch of marijuana on
2 the belt on his underwear, the inmate started fighting
3 because he did not want to risk a criminal charge on
4 him.

5 Well, of course, I'm faster than the guy,
6 right? I grabbed the joint, took him down and called
7 the incident management and activated IMS, requested
8 for more personnel. We brought this inmate to the yard
9 office to the control room. And you know what, folks?
10 I'm not going to lie to anybody here. I was ready to
11 knock the hell out of that convict, and the only thing
12 that stopped me was the lieutenant goes, "Don't." I
13 was mad because the inmate pushed -- came behind me and
14 pushed me aside.

15 We called the Criminal Investigations Unit
16 at that time to come in. The guy, who no longer works
17 for CIU, didn't come in, didn't show up. He said, "Are
18 you okay?" "Yes, I'm okay." "Just take pictures of
19 the scene." We came back -- they wrote it off. Three
20 months later, I was served with a 601, a supervisor
21 complaint form -- actually, it was a red book
22 investigation. Donna Hamm, Corrections buddy, stepped
23 up to play, and these two inmates went up and they
24 cried foul play. What happened was, they were charging
25 me with excessive use of force, lying on an interview

1 and use of abusive language, and I was so mad. I said,
2 "We were the victims of this incident. We did it by
3 the number."

4 MR. BURKE: Did she indicate that she was
5 representing these inmates?

6 LIEUTENANT LAO: One of them contacted
7 middle ground, and the other one hired a lawyer by the
8 name of Attorney Morgan, and they wrote -- they did a
9 cc, courtesy copy to the FBI, Senator John McCain and
10 the central office. The central office said -- you
11 know what? Here, I was so upset because now they
12 opened up a district investigation. What does that
13 mean? It means that anything that's used in this
14 district investigation cannot be used criminally, and
15 it's not admissible. The inmates were able to cloak
16 themselves through that ploy. And we all know inmates
17 don't lie, right?

18 AN AUDIENCE MEMBER: No.

19 LIEUTENANT LAO: Okay. They were able
20 to -- because of that system, they manipulated us. We
21 were under investigation. So here's where it gets
22 better. I bring back my officer. They said, "Go ahead
23 and have an interview with CIU." That guy no longer
24 works here. I go in there. He gives me a cup of
25 coffee, and he goes, "Hey, is this what happened?" I

1 said, "Yes, yes, yes." The officer -- my interview was
2 done in ten minutes.

3 The officer comes in there and doesn't
4 leave for like 30 minutes. I'm like, man, this guy is
5 singing like a canary, thinking what could they be
6 doing? He gets out, and I say, "Is everything okay?"
7 And he goes, "No, it's not okay." And I said why,
8 "Because the officer was coerced by the CIU
9 investigator. He told him straightforward you are
10 lying for your lieutenant. You are covering up for
11 him. You are going to get fired."

12 Fortunately, this officer told the truth,
13 and at that point in time, we said, "Why don't you
14 polygraph these things first?" That's what stopped the
15 investigation altogether. Nobody in this agency should
16 go through that, especially when you are the victim of
17 the assault. And then to augment the officer's later
18 version -- I got a letter from the Pinal County
19 prosecutor saying we are not going to prosecute because
20 there is no premeditation, and it's only a misdemeanor,
21 governmental interference misdemeanor.

22 Needless to say -- going back to what my
23 focal point in this area was here. Officers should be
24 treated with respect. We work a job that is far
25 difficult or pretty much similar to what a police

1 officer does. The only thing we can't do is issue
2 citations and go to court, but we work in a little city
3 that's full of convicts. At least when you are working
4 on the streets, you are going to have all kinds of
5 individuals that are pretty helpful and supportive of
6 law enforcement, and these guys are not. They are our
7 adversaries.

8 Thank you. That's all that I got.

9 MR. GUENTHER: Thank you.

10 MR. BURKE: Question?

11 MR. GUENTHER: No. That's very
12 enlightening. Thank you very much.

13 MR. BURKE: We might need to take a little
14 break here.

15 (The hearing was at recess from 2:46 p.m.
16 to 3:29 p.m.)

17 MR. GUENTHER: As you know, we have had
18 such a turnout here. We have had well over a hundred
19 people who have come in that have wanted to testify.
20 We are willing to stay later than we had planned to
21 stay to give as many as possible a chance -- to get a
22 chance to visit with us, but we are going to ask you to
23 keep your comments down to about five minutes, if you
24 can. Concentrate on those issues that are new that we
25 haven't revisited.

1 We have spent -- we have heard a whole
2 bunch now about retention, pay, experience, training,
3 stuff like that. That doesn't mean you shouldn't touch
4 on those. If it's really something that's really
5 eating at you and you want to add to that, then please
6 do so, but to the degrees possible, keep it focused on
7 issues, and give us a chance to enter into an exchange
8 with you so we get the maximum amount of your input.

9 Again, if you can just hold it to five
10 minutes. We are going to get as many people as we
11 possibly can. And we appreciate it.

12 CO II WOOLWAY: First, if I may approach
13 and give you each copies of my statement?

14 MR. BURKE: Sure.

15 MR. GUENTHER: She sounds like a lawyer.

16 CO II WOOLWAY: I promised everybody
17 earlier that I would be as brief as possible. I'd like
18 to make a comment about me trying to be as short as
19 possible, but all the people that I work with around
20 here would have a comment to that.

21 My name is Anita Woolway, W-o-o-l-w-a-y. I
22 am a corrections officer at SMU II. First, I would
23 like to thank you for the opportunity to address the
24 panel and some of the issues I see as an officer. As
25 an employee of the State of Arizona and the Department

1 of Corrections, I could not ask for a better
2 organization to work for; however, the discrepancies
3 that I have seen that led to the situation at the Lewis
4 complex troubled me.

5 Excuse me. I am a little nervous.

6 I have seen the department slandered for
7 the way the situation was handled. The people that we
8 have hired are training the policies that we have set
9 in place. I think we all agree that it was officer
10 error and was caused -- that had caused the situation.
11 In no way am I here to slander the department or my
12 fellow officers.

13 I find it hard to blame our training
14 because it's my understanding that the State of Arizona
15 has one of the top-ranked facilities in the nation,
16 COTA. I can't say what happens when new officers reach
17 their post unit. I work for what I consider to be one
18 of the best units in the department, SMU II, and I feel
19 that my training of 120 hours was adequate for my unit.

20 The situation at Lewis made me take a long
21 look at myself as an officer and questioned if I was
22 doing the best that I could to ensure that I was
23 upholding the oath that I took when I graduated COTA.
24 How often do officers take over a post without reading
25 or signing their post orders at that particular post?

1 How often do officers ask questions if they are unsure
2 what their duties are? Obviously, not enough, nor do
3 they take the time to look up directors' orders and
4 policies to answer their questions. All of these are
5 set in place.

6 The situation came about because an officer
7 took a situation for face value. We, as a department,
8 have now learned the hard way that nothing can be taken
9 as face value. Policies that have been in place for
10 our safety and the public's safety were not being
11 followed and now are being stringently enforced.

12 It is also my opinion that complacency and
13 lack of consistency helped lead to the situation. No
14 officer should claim to know everything, no matter how
15 long they have been in the department, whether the
16 complacency falls into place because of an officer's
17 comfort level with a post or job or because they just
18 don't care. The complacency also may fall into play
19 because they do not feel appreciated.

20 Our duty as an officer is to check
21 ourselves to make sure we do not become complacent. I
22 feel that officers, instead of taking time to complain
23 or judge, need to look at themselves to see if they are
24 upholding their oath to the department and the
25 community. Officers also need to ensure that their

1 fellow staff and the community are safe. Judging or
2 slandering a fellow officer because they follow policy
3 and procedure should not be tolerated.

4 We are public servants and should carry
5 ourselves as that. I challenge my fellow staff members
6 to look at their job performance and attitude, praise
7 themselves for the jobs that they do well, and change
8 what they feel needs to be improved. I also challenge
9 them to have complete pride in themselves and their
10 jobs, because I do.

11 Once again, thank you for your time.

12 MR. BURKE: Thank you.

13 MR. GUENTHER: Thank you. Woolway, right?

14 CO II WOOLWAY: Uh-huh.

15 MR. GUENTHER: Have you had -- when did you
16 go through COTA?

17 CO II WOOLWAY: I went through COTA two and
18 a half years ago, sir.

19 MR. GUENTHER: And did you feel when you
20 took your position that you were prepared to assume the
21 duties to which you were assigned?

22 CO II WOOLWAY: I was prepared on a basic
23 sense to perform my duties, but I knew that if I
24 listened to what my senior staff had to say, that I
25 would be trained properly at the unit, and if I asked

1 the opinions -- if I asked my questions when I didn't
2 understand something -- because we all know that no --
3 the only dumb question is when it's not asked -- I knew
4 that I would be okay.

5 MR. GUENTHER: Do you have something?

6 The other thing that is coming more and
7 more apparent to this panel as we hear -- and we are
8 approaching some 50-some hours of testimony now, which
9 has been great. People have been very forthcoming --
10 is that there were a whole series of circumstances that
11 came to play at Lewis in the Morey Unit on
12 January 18th, and some of those were in the process for
13 many months, and that a lot of the people that were
14 involved were just in the wrong place at the wrong
15 time. And while they were contributing factors from
16 every angle you could possibly imagine, they were a
17 whole series of circumstances that took place almost
18 like they were on a time clock basis. And they all
19 came together at once and it happened.

20 And now, of course, we are out there trying
21 to figure out how to keep those series of circumstances
22 from occurring simultaneously again and prevent
23 situations such as what happened at Morey Unit at Lewis
24 on January 18th from happening or reducing the
25 possibility of that ever happening again.

1 Do you have anything for the committee that
2 you think might be an advantage toward that?

3 CO II WOOLWAY: I feel that every officer
4 needs to take initiative, if they do not feel that they
5 are informed enough, to look up their policies and
6 procedures. They are available to us on our web site.
7 I think officers need to realize that -- one of the
8 statements made to me when I took on this position was,
9 "We sit in hours and hours of boredom with intermittent
10 seconds of terror." And that has to be something that
11 is realized.

12 If we have a question, if we are unsure of
13 who is entering our area, do not be afraid, no matter
14 who it is, the Governor, God -- and I am quoting -- but
15 we need to ID those people. We need to know who is
16 coming in. If we are not sure of somebody, we need to
17 call and ask, "Are these people authorized?" If we are
18 unsure of a policy, we can't just say, "You know, I'm
19 going to go ahead and do it," and then after I get in
20 trouble, look up that policy to see how I can get out
21 of making that mistake so I can get out of being
22 disciplined. We need to take it on as officers
23 ourselves instead of trying to cut corners.

24 MR. GUENTHER: I like that, hours of
25 boredom filled with seconds of terror.

1 CO II WOOLWAY: Intermittent seconds of
2 terror.

3 MS. MORRISON: Thank you.

4 MR. GUENTHER: Thank you very much. We
5 appreciate you taking the time.

6 CO II WOOLWAY: Thank you.

7 DR. GOLDE: I'm Dr. Jeff Golde, G-o-l-d-e.
8 I'm a psychologist and a program coordinator for the
9 sex offender program. I've got some comments that I'd
10 like to make in general and then make specific to my
11 area of responsibility. Some of the general comments
12 that I want to make echo some of the comments that had
13 been made earlier today but from the perspective of a
14 psychologist. And from the perspective of a
15 psychologist, I see we are working within a
16 dysfunctional family. Now, don't get me wrong, it's a
17 family that I'm proud to be a member of, but
18 nonetheless dysfunctional.

19 An example that's typical of the kind of
20 double messages we get from our dysfunctional family
21 is, it has to do with -- it's been mentioned that we
22 are all here today on our own time, so we have been
23 told that it's important for us to hear this
24 information about your jobs and your job duties and
25 your workplace, but we are not going to pay you for

1 your time. You need to take leave time that you could
2 have otherwise have used to spend with your family or
3 taking a trip or otherwise decompressing from the
4 stress of a job. But it's not important enough to us
5 to do this on work time.

6 Another double message, it's been mentioned
7 about IPP, the Inmate Program Plan. Director Schriro
8 comes in with the philosophy of the parallel universe
9 which stresses the responsibility of the individual. I
10 support that a hundred percent. As a psychologist, I'm
11 all about responsibility of the individual to make
12 changes within his own life. But then we institute the
13 Inmate Program Plan, which basically structures every
14 minute of the inmates' day, and security tells them you
15 will sign up for this class, you will go to this place,
16 you will be here at this time and basically given
17 printed instructions on where they are going to be at
18 every moment of the day. It's not about
19 responsibility; it's about us taking responsibility for
20 the inmate and telling them what they are going to do.

21 Speaking of responsibility, I think that's
22 one of the general problems in terms of working for the
23 Department of Corrections, especially it is somewhat,
24 upper level is -- many of us are given a great deal of
25 responsibility, but little to no authority. It's true.

1 I think of medical doctors. They are given the
2 responsibility to keep the inmates healthy, but they
3 are not given the authority to authorize some of the
4 tests that they think are necessary in order to
5 maintain the inmates held.

6 MR. BURKE: Who authorizes them?

7 DR. GOLDE: Central office. Is that
8 correct?

9 DR. STAPLER: We have to send requests to
10 central office.

11 MR. BURKE: And who in central office
12 approves them?

13 DR. STAPLER: There's a doctor in central
14 office. Actually, a lot of the requests are screened
15 by a nurse first and some come back with snotty
16 comments, and I'm going to talk too, but requests for
17 colonoscopies, for colon cancer screenings are commonly
18 denied.

19 MR. BURKE: They are not denied by the
20 doctor as not seeing the individual?

21 DR. STAPLER: That's correct. Maybe I
22 ought to talk next. I've been with the department 21
23 years, and I can answer what's going on with medical.

24 DR. GOLDE: As for myself, the program that
25 I run, I've got the responsibility of providing sex

1 offender specific programming to quite a number of
2 inmates, but I'm not allowed to make decisions just on
3 a day-to-day basis of what specifically inmates are
4 going to be doing and on how they are going to be
5 participating. I need to put it in a request through
6 my chain of command, so I need to ask my boss here at
7 the complex who asks her boss at the complex who asks
8 his boss at the central office who asks the deputy
9 director, and then it filters down. So a simple thing
10 I could institute tomorrow takes three or four months
11 to actually put in place, if it gets put in place at
12 all, and that's if I continue to follow up and press to
13 get answers.

14 Many of us are given a great deal of
15 responsibility with no authority. It's been mentioned
16 about the classification system. I'll echo that that
17 is a problem. The problem that I think I see with the
18 classification is, it doesn't mean much. It is handy
19 to use, but it's not very meaningful.

20 To give you a good example of that, within
21 the classification system, we've got an S score. S
22 stands for sex offense treatment needed. That score
23 can range from one to five, but a five does not
24 actually mean the inmate needs sex offense treatment
25 any more than one who has got a three.

1 I've got guys in treatment who are at a
2 three, at a four, at a five. The S score is
3 meaningless, and when I suggest, maybe I, as an expert
4 in this field, could redesign this system, the answer I
5 get is, "Oh, no, no, no. We can't touch a system
6 that's been there and that's sacrosanct." We might
7 come up with our own system that we will use
8 internally, but we are not going to touch a system
9 that's there.

10 Pretty much the same goes for the mental
11 health score, a mental health score that supposedly
12 determines how much an inmate needs treatment. But now
13 they have instituted that if they are actually in
14 treatment getting sex offender treatment, then that
15 raises their mental health score. Everywhere in the
16 classification system, raising a score is bad. Bad.
17 You don't want to raise it; you want to lower it, but
18 in mental health, if they voluntarily get treatment, up
19 comes their mental health score.

20 Property has been mentioned. CO IV
21 Romweber mentioned the fans, and I think that's an
22 excellent example of how property decisions don't take
23 into account, not only the inmates, but those of us who
24 work with the inmates.

25 Another example I come across is

1 typewriters. When I came on board here three and a
2 half years ago, inmates were allowed to have
3 typewriters. For my job, that's important because I
4 require my inmates to write some very long papers,
5 sometimes 40-, 50-, 60-page papers. When they are
6 typewritten, it's useful for me; when it's handwritten,
7 it's very difficult. But the typewriters were taken
8 away from the inmates.

9 When I first came on, they had banks of
10 computers, and the inmates were being trained on how to
11 use computers. I thought that was an excellent idea to
12 provide computer training, a useful skill for when they
13 get out of here; therefore, I wasn't very surprised
14 when they discontinued that program and took all the
15 computers away. It made too much sense, so we are not
16 doing that anymore.

17 That's the dysfunctional family that we are
18 a part of. It's been mentioned that we need more
19 programs. I absolutely support that. We do need more
20 programs, but we don't need more mandatory programs.
21 Again, that's taking the responsibility away from the
22 inmate to say, "Okay. We have got this program we
23 think you need; you are going to take it or else."

24 And that leads me into my specific issues.
25 Before I get to that, are there any questions about the

1 general issues I have touched upon?

2 MR. GUENTHER: No. But if you are going to
3 make these points, we are going to have to do so
4 concisely, because we are already ten minutes.

5 DR. GOLDE: Yes. Okay. Very concisely.
6 We are moving in the sex offender program towards
7 mandatory treatment. I have been informed that that's
8 the direction that the director wants to go. We want
9 to require inmates to get treatment. I am very
10 concerned about that because part of my responsibility
11 with no authority is the safety of my staff who
12 actually provide the services. As it has been, you'll
13 have a therapist closed in a room with 10 to 20
14 inmates, but it's 10 to 20 inmates who want to be
15 there, 10 to 20 inmates who have worked their way into
16 being there and so have quite a lot to lose if they
17 misbehave.

18 If we go in the direction that the director
19 is telling us we need to, we are going to have one or
20 two therapists closed in a room with no security
21 presence with 10 or 20 inmates who are angry,
22 resentful, don't want to be there, don't want to listen
23 to this stuff, don't want to participate, and I think
24 we are setting ourselves up for a hostage situation.
25 And I certainly don't want to see that among my staff,

1 and I don't see any way to fix that and keep it
2 mandatory.

3 The way we need to -- I think what we've
4 got in place now is excellent. It's a voluntary
5 program, and they need to work their way into it, and
6 the plan is to scrap all that and move to a new plan
7 that's unsafe, and we can't -- we can't have the
8 security presence in the room because therapy -- I
9 mean, we've got confidentiality concerns, and there's
10 very few officers -- I'd be hard pressed to pick out a
11 handful of officers in this room who want to hear the
12 kinds of things that I hear on a day-to-day basis as a
13 sex offender therapist, and I'm trained and am willing
14 to listen to this stuff, but the officers don't want
15 to. I don't blame them, and I don't want them in the
16 room with me, but I don't see any way to keep me and my
17 staff safe with a mandatory program.

18 SHERIFF VANDERPOOL: Does the room have
19 security cameras?

20 DR. GOLDE: No. No. And cameras would
21 probably not be conducive to good therapy. I have done
22 work in front of cameras before, and it changes the
23 dynamics of a group when guys know that they are being
24 observed and that they are being taped. I wouldn't say
25 we absolutely couldn't do it. It's better than the

1 system that we have in place now, but still, somebody
2 observing through a camera from, let's say, down the
3 hall here, and we are closed in this room with 20
4 inmates, by the time that person observing from down
5 the hall sees what's going on and sees that there's an
6 incident, the incident is happening in here.

7 And I think with inmates who are angry and
8 resentful -- and many of the sex offenders we have here
9 don't want to admit they are sex offenders, don't want
10 to be involved in anything regarding sex offenders, but
11 we have some who really want to. And bringing in the
12 ones who don't want to are going to ruin it for the
13 ones who really do.

14 SHERIFF VANDERPOOL: But aren't the ones
15 that don't want to be there, aren't they someday
16 probably going to get released back into the
17 communities?

18 DR. GOLDE: Absolutely. And many of them,
19 if they are released in the community, they'll be
20 required to participate in treatment in the community.
21 And before they are let out, they'll be evaluated to
22 see whether they are appropriate for the State hospital
23 where they will be required to get treatment.

24 What we are doing here is a service that
25 helps the inmates stay out of the State hospital. It

1 costs the State a lot of money to treat them in the
2 State hospital, and I think it's a savings for the
3 State what we are doing here as well. But the vast
4 majority that we are going to have to do treatment at
5 one time or another, the question is, are they going to
6 do it while they are in here or after they get out or
7 after they go to the hospital?

8 MR. GUENTHER: Thank you --

9 DR. GOLDE: Thank you.

10 MR. GUENTHER: -- for your input. Don't
11 forget, anybody, we also have an e-mail address which
12 is at my office, and it's for those that don't have it.
13 You can either see me or any other administrator here.
14 It's blue ribbon panel, all lower case, blue ribbon
15 panel@adwr -- adwr.state.az.us. And again, you are
16 always welcome to submit that, and if you don't want to
17 submit comments under your name, you are welcome to
18 submit comments anonymously, as well, and they still
19 become part of the record either way.

20 CO II CROWN: My name is Elizabeth Crown,
21 C-r-o-w-n. I work with the Minors Unit at Tucson. And
22 one of the required training modules that we have to
23 take every year is called CRIPA, which is the Civil
24 Rights of Incarcerated People Act. And at my facility,
25 it's geared toward the female offenders at Sacrac with

1 the male officers; however, we work with children that
2 are -- that are charged as adults, tried as adults, and
3 we have had several offenses in the past with the
4 Canteen staffers having sex in the dry storage in the
5 freezer, wherever you can find it. And these people,
6 not only have they committed a State offense, which
7 it's against the law, and I believe it's a class-six
8 felony to have sex with an incarcerated individual, it
9 is also a federal offense to molest a child. And these
10 are children. Whether or not I think they are, they
11 are still children.

12 And we let these people skate. We do
13 nothing. They quit. They go someplace else. And in
14 one case, the kid moved in with a woman after he got
15 out of the adult side. I think that's wrong. And when
16 I asked about it, I was told that it didn't apply to
17 the kids that I work with. That's wrong. That's
18 totally wrong. Somebody needs to do something about
19 that. It needs to be -- if you are gonna engage in
20 what is called an illegal act -- maybe these people
21 don't know because they are not trained. Maybe they
22 don't know what's wrong. You should. You are an
23 adult, but they don't do anything.

24 And the other thing that really bothers me
25 is I talked my son into going to work for this

1 department. I like my job. I have been doing it for
2 ten years. I love it. I have a degree in criminal
3 justice with 20 hours towards a master's with a law
4 degree. I love my job. I'm very good at it. But my
5 kid just got married. It's going to cost him \$165 a
6 month to cover his family. That's wrong. He is
7 eligible for WICK. He's eligible for food stamps.
8 That's not right.

9 You know, the legislature needs to know.
10 And Senator Soltero and I have had an extended
11 conversation where he told me we were amply compensated
12 for the jobs that we do considering all that we do is
13 baby-sit. I beg your pardon. I'm not a baby-sitter.
14 I'm a teacher. I'm a psychologist. On occasion, we
15 are a chaplain. By God, I could wax the floor with the
16 best of them, which seems to be the biggest target at
17 my unit, is keep those floors waxed and those walls
18 painted.

19 Why don't people respect us enough to pay
20 us what we are worth? Why doesn't the State give us
21 decent healthcare? Some of these people that live in
22 rural areas can't even use their insurance because
23 people don't accept CIGNA anymore, and you'll hear
24 about it from other people, I'm sure, but my child
25 makes \$25,000 a year. He married a lady with two

1 children, and now he is going to have to spend \$165 a
2 month out of that \$25,000 a year to cover his family
3 and take care of his business. He has to get a second
4 job. That doesn't make for a good officer, because
5 when he goes back to work, he's tired.

6 I'm better off than most of these people in
7 the room. My husband is retired military, and I have
8 military insurance so I don't have to pay for it. I
9 like these people, respect them. We don't treat these
10 people right. I'm not ashamed to be one of them. We
11 need to stick up for them and give them what they are
12 due instead of calling them names.

13 MR. GUENTHER: Thank you. We appreciate
14 you taking the time.

15 SERGEANT MCGOVERN: My name is Sergeant
16 Christopher McGovern, and I am at the Cook Unit in the
17 kitchen. To give you a little bit of my background, I
18 also work at SMU, Rynning Unit, which is a level-four
19 yard, SMU being a five-yard, and now this is a
20 three-yard. My kitchen was voted number one in the
21 western region, so I do speak from experience as far as
22 this issue as far as the Lewis complex is concerned.

23 There were many things that went wrong.
24 Mr. Guenther, we can sit here and search for the
25 guilty, but really, we need to search out a conclusion,

1 and I hope that this panel can help do that in this
2 process.

3 What am I up here for? Well, I'm going to
4 tell you. I know we talked a lot about money in here.
5 You know, I think in -- the Jerry Maguire movie really
6 put it best for me was when he talked about the kwan
7 versus the coin. Here, we are not asking for the kwan,
8 which is the respect, and the money. Here, we are
9 asking for -- let's start with the coin first.

10 If you pay people what a reasonable wage is
11 for what they do -- and you know, Mr. Vanderpool. You
12 know what we do. You know what we have to put up with
13 on a daily basis. You know the types of people that
14 society basically does not want to deal with anymore.
15 Here, you have them.

16 Society must start to believe and begin to
17 understand that this is not a warehouse of people.
18 This is an active city. It is like a town. It is a
19 functioning, living, breathing thing. And yes, we
20 start out at \$25,000 a year to do it. What kind of
21 people are going to wind up doing that? Well, ex-truck
22 drivers like myself wound up doing it.

23 I did it out of many different reasons.
24 One was the health benefits. Yes, they were affordable
25 when I started; they are not affordable now. I did it

1 because I believed that this state would finally begin
2 to progress toward a more realistic pay plan and a more
3 realistic bracketing plan for not only CO's, for not
4 only health staff, not only those people that you
5 mentioned there, but supervisors.

6 In our pay plan, if you take a look at it,
7 it says from, let's say, 28,000 to 45,000. My question
8 is, how do I get to that 45,000? How do I get there?
9 We are all laughing in here. How do I get there? You
10 can't. We don't even get a 3-percent cost of living
11 raise. And I know you heard this for over a hundred
12 hours of other testimony, but let me just finish up
13 with this. Okay? I do this more for the idea that
14 society needs this to be done. If we don't, we have
15 all of these different people that society no longer
16 wants, no longer deems acceptable to live with all the
17 rest of us who do abide by the law, who do follow a
18 certain standard.

19 And ladies and gentlemen, I'm on public
20 assistance. Me, a sergeant in this department. And
21 I'm going to tell you something. It took every bit of
22 pride to put on the side to go out there and have to
23 get that, but I knew my family needed it. This state
24 has a responsibility. The legislature of this state
25 has a responsibility to come up into the 20th century.

1 Even though we are in the 21st -- well, I'll take the
2 20th at this point. I'll take the 20th. Let's come up
3 to the 20th century, and then we'll work on the 21st.
4 We are here. We do the job.

5 And I'll tell you something, and then I'll
6 end it with this. I have watched -- and I have watched
7 some -- yeah. I have watched some officers that
8 weren't worth a darn, but I have worked with most of
9 them that are worth more than people will ever realize
10 in this state. I am proud to work for this state. I
11 am proud to work for this branch of government. I am
12 proud of the people that work under me as a supervisor
13 in this branch of state government, and I know that
14 there are others out there that feel exactly the way I
15 do. Let's get that message out.

16 MR. GUENTHER: Thank you.

17 CO II STRINGER: My name is CO II Stringer.
18 I want to show you these two, and these will be my
19 ending points. I'm representing all Rynning Unit here.

20 What efforts are being made to improve the
21 condition of the jail? When you want professional
22 people to work here, you have a professional
23 good-looking environment as a place to work. Our
24 control rooms look like dungeons. The paint is
25 peeling; the control board is rusty. We stand on

1 concrete all day, okay, when there is no reason they
2 can't bring a rubber mat in and make it easier on those
3 of us that have bad feet. But if the control room is
4 painted, it looks good, everything is done, people
5 appreciate that more. You get more work out of these
6 people. But when it looks like a dungeon -- the inmate
7 cell, oh, that gets painted right way, but the control
8 room, they can let it rust; paint everything.

9 The critical minimum seems to drop, but the
10 workload has increased. Okay. Every day, we have to
11 send people from our unit to other units to cover their
12 units. Okay. Why should we have to do that because
13 you are driving Peter to take Paul, and you are still
14 putting us at risk. It is like the other day, they
15 sent one from our unit to another unit, then they sent
16 one from that unit back to our unit instead of sending
17 one from our unit back to us.

18 If you have a critical minimum which is a
19 26, okay, at our unit, when you get below that 26, you
20 do what you are supposed to do. Go under IMS, lock the
21 yard down.

22 MR. BURKE: 26 officers?

23 CO II STRINGER: Right. Well, 26 or 25.

24 MR. BURKE: For how many inmates?

25 CO II STRINGER: For 876, I think we had.

1 Why have the work crews out working when there is no
2 officers really out there to watch these guys? They
3 are running around with hoes, rakes, all this stuff,
4 and there is really nobody to watch them because
5 everybody else is off doing somebody else's job. The
6 sallyport officer doesn't show up, somebody else
7 doesn't show up, so, oh, yeah, the numbers look good on
8 the paper, but when you get right down to it, you don't
9 have anybody, but everything is still running as
10 normal.

11 I'll move on. Sanitation. Sanitation is a
12 big issue. And there was a time when cigarette butts
13 were the big issue. You would come into briefing, and
14 the only thing you would hear in briefing is, "We don't
15 want to see cigarette butts on the ground. You need to
16 pick the cigarette butts up." Yes, we went through
17 about a four-month period of that, and that finally
18 died down, but it is still an important issue.

19 Disciplinary. Disciplinary is pretty much
20 looked at as a joke now, because you write these
21 inmates up, they go see disciplinary. The sergeants
22 are so scared of making the upper people mad or
23 whatever the deal is -- but they are getting 5, 10, 15
24 hours of extra duty. Oh, the inmate doesn't care about
25 that. "Hey, I get to be outside." There has to be

1 consequences for certain offenses.

2 I'm an assault victim. I got assaulted on
3 the Cook yard in '97. The County Attorney wouldn't
4 prosecute the inmate. Well, the reason why was he is
5 doing 25 years, so we don't need to give him any more
6 time. So there is no consequence for hitting me again.
7 Unless you have consequences for hitting an officer,
8 you are going to continue to have officers getting hit,
9 because the inmates know they can get away with very
10 little disciplinary at all.

11 The other day I walked in and brand-new
12 computers all around. Brand-new computers for the CO
13 III's all around the unit. I couldn't believe it. We
14 have a Building 3 back there. It's called Building 3
15 now. It's a CDU. It's actually a Central Detention
16 Unit. It's set up for central detention use. Okay.
17 It's not a regular building. It has blind spots. It's
18 an accident waiting to happen.

19 The officers do not like working in there
20 at all. Okay. We have asked for cameras for two years
21 to be put inside there or to have three officers -- we
22 are supposed to have three officers in there at a time
23 because we have two sides, many blind spots, but it
24 never happens. You never have three officers, and you
25 have lockdown -- you have deadlock, like restricted

1 inmates, with the regular population in that building.
2 So you have to escort these inmates uncuffed, because
3 if you cuff these restricted inmates up, you have to
4 pay us \$60 extra a month, and the department is not
5 willing to do that. That's why they call it restricted
6 and not CDU. Okay.

7 So you are taking these bad guys,
8 restricted, barging them through, getting their
9 showers, doing whatever. They get fed in the house,
10 but then you have the regular population in the same
11 building. Okay.

12 MR. GUENTHER: Are you going to wrap her up
13 here?

14 CO II STRINGER: Yeah. Pretty soon. I'm
15 running through this as quick as I can. I'm getting
16 there.

17 A lot of people are wondering why they are
18 getting forced to work SMU I, SMU II when they are not
19 going to get a \$60 stipend when they cross over to
20 other units. I have a sergeant with nine years over
21 there that makes 14.79 an hour. I make 17.30-something
22 an hour.

23 Meal count sheets on the yard. We have to
24 stand there, and we have to mark these inmates off on
25 the yard when the chow comes through.

1 MR. BURKE: Meal count sheets?

2 CO II STRINGER: Right. We have to stand
3 there, and we have to look down and mark these inmates
4 off. We can't pay attention to what these inmates are
5 doing because they have to be marked off on the sheet,
6 so we have no idea what the inmates in the back are
7 doing. Okay.

8 Another question was brought up, why does
9 it take two psychologists or two doctors up in Phoenix
10 to look through sex magazines to say whether they are
11 all right or not? It's kind of a waste of money, if
12 you ask me.

13 Quick story. I work in the male complex
14 property over there. We had a magazine come in. The
15 magazine had about 11-year-old girls with no clothes on
16 and a young boy with no clothes on. It was a nudist
17 magazine. I wrote the IR. I did the paperwork on it.
18 You know what I got back? I had to send it to the
19 inmate. I couldn't believe it.

20 MR. BURKE: When was that?

21 CO II STRINGER: Oh, God. That was two
22 years ago. Something to that effect. And why are we
23 giving these inmates on this yard, why are we adding to
24 their addiction with these magazines? Okay. Because
25 you get magazines like Barely Legal, Lollipops, and

1 just what I said, the nudist thing on there.

2 I'm almost done. And how can a
3 department -- I know they compensate us with comp time,
4 but by federal law, I believe they are supposed to pay
5 us cash anything over 40 hours; whether that goes with
6 this department, I don't know that.

7 MR. GUENTHER: We have been trying to get
8 Sheriff Vanderpool to pay you guys a decent wage for
9 years.

10 SHERIFF VANDERPOOL: I didn't bring any
11 applications. I'm sorry.

12 CO II STRINGER: I'll leave you two quick
13 stories, and I'll be out of here. On the door locks,
14 about a year ago, a year and a half ago, I wrote an IR
15 on the locks. Okay. Nothing got done about it, so I
16 called the staff safety hotline, and the staff safety
17 hotline said, "Hey, you need to go back and you need to
18 make a list of all blah, blah, blah." Well, anyways,
19 the warden got ahold of it. I get called up to the
20 warden's office and he says, "Hey, you didn't do this
21 by the proper procedure, so you are out of luck. I
22 don't want to see any more IR's from you." Okay. So I
23 went back and checked the maintenance book and found
24 out how many times these doors have been wrote up.
25 Some of these doors have been written up nine, ten

1 times over a three-month period. The doors have not
2 been fixed. So I wrote it up, but at the end of the
3 IR, I also put in there, before I had to go to the
4 safety hotline, this is done per your order. Well, the
5 doors got fixed the next day, but it took all that.

6 The papers I gave you was my paycheck. Do
7 you know why my paycheck is that much? Because I have
8 to claim my kids just to make that much. If it wasn't
9 that much, I would be making a lousy 600, \$700. Okay.
10 I'm about broke. And as far as the schedule goes, that
11 was just to show you how the numbers are played. Okay.
12 Thanks for your time.

13 MR. GUENTHER: Pretty confusing.

14 CO II STRINGER: Yes, it is.

15 CO II CHAVEZ: My name is Mario Chavez. I
16 have been a correction officer for almost over eight
17 years. I wanted to talk about our pay, and when we
18 think about security -- and I figured this little
19 meeting here was all about security, but all the other
20 things you know. I got some little numbers just so
21 that you understand the ratio between inmates and staff
22 members.

23 On just my yard -- I have every yard here,
24 but I'll just talk about my yard, Meadows Unit. You
25 see, our critical minimum, I believe, is 29. Right

1 now, we have 18 control rooms that need to be posted by
2 staff. We have one kitchen officer assigned, and one
3 main control that came out to -- and three assigned to
4 CDU, which they have to be there, so we have seven
5 staff left for the yard.

6 MR. BURKE: But you got to give us some
7 context. Seven to a yard to?

8 CO II CHAVEZ: Our yard which has --

9 CO IV ROMWEBER: 1,032 inmates assigned.

10 MR. BURKE: When you give the officers,
11 give us the inmates because we can't figure out what
12 the context is.

13 CO II CHAVEZ: Okay. I'll get there. So
14 we have 1,032 inmates. We have seven staff to be
15 divided by -- in half, put four and three on one side.
16 We have -- for four hours a day, including day shift
17 and swing shift, we have approximately 244 inmates on
18 each side who are allowed to depart their building for
19 rec, and we have 3 staff on one side to take care of
20 244 inmates, and that comes out to 1 staff member for
21 81 inmates. And I remember reading newspapers and
22 something that was mentioned of the ratio at Lewis
23 during the hostage thing, and it was really -- it was a
24 lot less than 1 to 81 inmates.

25 Let's see here. I have a -- I was lucky

1 enough to get ahold of a memo from August 1st, 2002,
2 and it says, "Listed below are the vacant CO II and
3 non-CO II positions which are being abolished." Okay.
4 Cook Unit, ten positions were taken away; Meadows Unit,
5 11; Rynning Unit, 9. These all have to do with the
6 Eyman complex alone. SMU I, 14; SMU II, 14; that's
7 just CO positions.

8 They weren't actually taken -- staff wasn't
9 fired or transferred. It was positions that were never
10 filled. And you mentioned -- you heard that it's not
11 about -- you heard about money/security, well, it's all
12 about money. If you retain staff, you need to raise
13 money. And our legislators, I believe every four
14 years, they have a little thing in the ballot asking
15 the people of Arizona if they are allowed to get a
16 raise. And the last time they got one, I think it was
17 '98, '97, '96 -- '96, I think, which our legislators
18 are the ones who decide our pay. And DOC, you know up
19 above, central office, they do the best they can with
20 the positions they are given, and I think it all leads
21 to our legislators.

22 And someone mentioned, are we registered?
23 Well, a lot of us are. I attempt to recruit more
24 people to at least register, and they don't listen.
25 For them to listen to us, our goals -- but that Lewis

1 thing brought it to my attention, like, someone has to
2 say something.

3 So they continue to take away staff
4 positions to make the numbers -- our numbers, our
5 vacancy rate, they took away -- it was 58 CO's total
6 for Eyman complex, which at the time, our vacancy rate
7 was high. They take away the numbers, erase the
8 numbers on paper to people who are legislators to
9 decide our pay. They see that, oh, they must be fully
10 staffed or better now, but nothing changed.

11 So hopefully this -- hopefully this little
12 panel will emphasize it is paying. I have seen a lot
13 of veteran staff quit because it's pay. And I think in
14 1998, some officer, whoever that was, mentioned QWL,
15 that survey. They surveyed every State employee, or
16 maybe just corrections, and asked them why people were
17 quitting. Why? They are bitter, whatever. I'm not
18 bitter but -- I don't think I'm bitter. I'm not
19 bitter. I'm not mad or nothing.

20 But the survey said, number one, pay was
21 why people resigned from the Arizona Department of
22 Corrections. Number two was personal reasons with
23 staff and supervisors' dilemmas. 2000, the director
24 was -- I don't think he was that bad -- did another
25 survey basically to go over the numbers that you have,

1 and I know they are somewhere. There is documents
2 somewhere. You can find them, why people quit.
3 Same thing again in 2000.

4 And so this panel, maybe if you make an
5 effort to ask people what is documented. You know, the
6 facts are right there. They are right in front of you.
7 People quit because of pay. Simple. You retain
8 veteran staff, and you get better security. Why was an
9 officer put in that position in Lewis in the first
10 place? He has a year, and he's in a high-profile
11 position in the tower.

12 When I first started in '95, I was -- I was
13 just a rookie, whatever, new CO, CSO. I wasn't allowed
14 to do any kind of high-profile transportation, CDU
15 lockdown, nothing like that. It was given to veteran
16 staff, but you continue to not pay staff, you are going
17 to have non-veteran staff, and you are going to have
18 situations like Lewis.

19 MR. GUENTHER: Good point. The other thing
20 we are thinking about recommending is that everybody --
21 everybody coming out of COTA does a term at SMU Eyman.

22 CO II CHAVEZ: I noticed -- I have had the
23 opportunity to work with the general population for
24 five years, or almost five years prior to coming to
25 Eyman, and I work a higher custody now, but it was -- I

1 see less -- less things going on for higher custody,
2 but we have more staff. We have more staff higher
3 custody, and it goes up to SMU I and II. And they have
4 more staff for higher custody, but the ratio,
5 staff-to-inmate ratio is a lot less.

6 So I hope the public would hear this, and
7 you might find me on graveyard after this. But that's
8 okay.

9 MR. GUENTHER: At least you won't be bitter
10 about it.

11 MS. MORRISON: Did you write it up?

12 CO II CHAVEZ: Which one? And I'm not a
13 registered democrat, so I plan to tell the truth.

14 CO III ECCLES: I'm CO III Eccles, and I
15 have been with the department -- and I have been with
16 the department for three years. I primarily came to
17 talk to you about Lewis complex. I had the opportunity
18 to go out there and assist with some relief out there
19 and was amazed at how horrible things were out there.
20 Those inmates have free reign, and I don't understand
21 why we let that happen. I got told by a sergeant --
22 this is special circumstance building -- don't get on
23 their case.

24 MR. GUENTHER: Which unit?

25 CO III ECCLES: Bachman. I work a

1 level-three. That was a level-two. I understand open
2 movement. I don't understand inmates being able to do
3 and say and act the way that they want to.

4 In seven years, I have seen GP inmates to
5 sex offenders. I work in a CDU where I have three
6 officers that handle 80 inmates, and during their day,
7 they may move those inmates anywhere from 15 to 35
8 inmates, along with recs, showers, classification,
9 disciplinaries, SSU, medical. Those three officers
10 have to run all 80 inmates wherever they need to go.

11 They need assistance. You have to train
12 them. When I came to the department, I had to spend a
13 year in a control room before I ever stepped foot out
14 on a yard. They no longer make you do that.

15 MS. MORRISON: Where did you start?

16 CO III ECCLES: I started at Meadows in
17 1997. I spent a year working in a control room. After
18 my one week of OJT, they put me in a control room.
19 They gave me good officers that came by and checked on
20 me, but I stayed in that control room nonstop every day
21 I worked, until I learned the inmates, I learned what
22 working was, until I understood how a yard worked.

23 Today, two months, you are out on the yard.
24 Three months, you are first set. It took me two years
25 to be a lead yard set on swing shift. Okay. That says

1 a lot about experience. I had officers for two years
2 teach me what I needed to know. I worked two and a
3 half years before I got to work at an armed post.
4 Those are some of the requirements we need to look at
5 for staff. I understand we are shorthanded. I
6 understand we have a lot of new staff, but if they
7 don't get that basis, you are always going to have
8 problems like this.

9 Thank you.

10 MR. GUENTHER: Thank you.

11 SERGEANT NUTTER: My name is Sergeant
12 Nutter. I am a sergeant at the Meadows Unit. I
13 started with the department in '99, and I worked in SMU
14 I.

15 MR. GUENTHER: N-u-t-t-e-r?

16 SERGEANT NUTTER: Yep. I'm just going to
17 be brief. I'm going to read this. And that's
18 basically all I have to say.

19 First, I'd like to begin by saying I like
20 my job, and the reason I promoted to sergeant was that
21 I wanted to make a difference. I did not care for
22 inconsistencies and unfair treatment of staff I saw and
23 heard. I feel that the problems at DOC can be resolved
24 with a little common sense.

25 The main problem that we have is pay or

1 lack thereof and the pay schedules the department uses.
2 This is the only place that I know that pays their
3 subordinates more than their supervisors. This has
4 been brought up many times and nothing has ever been
5 done. Our previous director, Mr. Stewart, spent
6 hundreds of thousands of dollars on what he called a
7 QWL 21, Quality of Work Life study.

8 The number one problem was pay, followed by
9 the unfair treatment of staff. After all the money was
10 spent on, yet, another study investigation, we are
11 still the lowest paid law enforcement agency of the
12 state, and as far as the treatment of staff, the Derek
13 Allen case in Perryville speaks for itself.

14 We give incentives to get new staff, but we
15 do nothing to keep the staff we have. Case in point,
16 my wife is currently a medical records librarian. When
17 she was hired, she got the position of nursing
18 assistant at the department. When she took the MRL-1
19 job, she was paid at the bottom of the scale even
20 though she had 12 years' experience. She was told that
21 had she been hired off the street, they could have paid
22 her more. Ridiculous? I think so. After she was
23 hired, approximately four months later, they hired a
24 medical records technician, a lower-grade job, with no
25 experience and paid that individual the same wages as

1 my wife. Is it a problem? I think so.

2 The solution is a commonsense pay scale.
3 Problems with pay, like the one I just mentioned and
4 the supervisor issues raised above, does nothing but
5 promote mediocrity. The main reason most officers will
6 not promote is the money issue. Some of us want to try
7 to make this place a better place to work. That's why
8 we promoted. There is some, nobody knows why or how
9 they promoted.

10 I feel the pay structures are the first
11 things that need to be corrected. If you pay good and
12 reward those who want to promote and do a good job, who
13 have good attendance, it would raise morale, which
14 would motivate people to do a better job. Also, better
15 pay would cause senior staff to stick around and not
16 use DOC as a stepping stone.

17 The final issue that needs to be addressed
18 is training. We are one of the top academies in the
19 nation. Our 40-hour training that we used to go
20 through have been cut down to 15-minute modules
21 conducted in briefing because we don't have the staff
22 to cover the shifts. The problem can be solved with
23 better pay which equals more staff. More pay gets more
24 to promote, rewards for good staff. Fair treatment for
25 everybody all points toward a better working

1 environment which will attract more qualified people to
2 the job. That means more staff and safer prisons.

3 I would like to say again that just a
4 little common sense is all that's needed. Mistakes
5 still happen. As long as a human element is involved
6 in anything, mistakes will likely occur, hopefully not
7 one ever again like the one in Lewis.

8 MR. GUENTHER: Sergeant Nutter, thank you.

9 SERGEANT NUTTER: Thanks for your patience,
10 too.

11 CAPTAIN COOK: Good morning. My name is
12 Michael Cook. I have been with the department for 16
13 years. I retire in four more years, and hopefully, I
14 will be able to retire in four more years with DOC.
15 Presently, it is not going to happen. Why? I can't
16 afford the insurance. We have many people who retire
17 after 20 years, and I'll tell you why. They are
18 working at CCA; they are working at CSC; and they are
19 working with the feds; and they are working for IMS.

20 We have people that have 20 years been with
21 the department because they can't afford the health
22 insurance after you retire, you know, they have to pay
23 their own health insurance, and that's 4- or 5- or \$600
24 a month. When a person retires, he can't do it with
25 half a salary.

1 I was just going to throw a few things in
2 here. My first one, I know when I started the
3 department in 1988, I knew the risk of this job. I
4 knew what it encountered when I got drafted in the Army
5 in '66. I knew the risks. I was probably going to go
6 over to Big City. And the same with the department, I
7 knew the risk, and the director at that time, Lewis,
8 said, "If anything happens to you, we are coming after
9 you." I was happy to hear that. I do not want to be
10 in a tower for two weeks hoping somebody will come
11 after me if they are beating the crap out of me for two
12 weeks. Damn it, come and get me. I took my chances.
13 I knew the job.

14 Fortunately, everything came out all right
15 over there, and the director is going to be on the hot
16 seat regardless of how it came out. If we killed the
17 inmates, she was in trouble; if they killed the
18 officers, she was going to be in trouble. Everything
19 turned out great. Everything turned out great. Where
20 is she? In trouble. So no matter how it came out, she
21 was going to be in trouble along with the Governor.

22 But my opinion is, you hold me hostage, you
23 come and get me. And that's my opinion and mine only
24 and not the department's.

25 A few other things. Waste has run rapid in

1 the Department of Corrections. I think we can get a
2 handle on some of that, but none of us can get a pay
3 raise. Let me give you an example, or a few. Unneeded
4 transports. Last Sunday, we transported an inmate on a
5 Sunday to St. Mary's Hospital. He had a dislocated
6 pinky, and it took two officers, a vehicle, and their
7 time. And I don't know what the cost is to get into
8 St. Mary's, but I'm sure it's probably not cheap, 4- or
9 \$500 to walk in the door. Holliday would probably know
10 better than I. If it was up to me, I'd wait until
11 Monday to reset it.

12 Another one. Last week, we had two
13 helicopters land within minutes of each other. One
14 inmate took 40 pills because nobody would talk to him,
15 so we sent a helicopter to go send him over to
16 St. Mary's.

17 Funeral runs. We take inmates to go on
18 funeral runs, which is fine and dandy, if they meet the
19 criteria. Many of times, they don't meet the criteria.
20 The CO III, deputy warden, warden, deputy director says
21 "No." Some infinite wisdom downtown says, "Yeah, go
22 ahead." The guy has only had five escape attempts. He
23 is there for doing 197 years, and we send him out on a
24 funeral run. What do we know? Why do all these people
25 approve it?

1 COTA. When I go down there and teach them
2 about once every four months, I tell them to look
3 around. In a year, half the people aren't going to be
4 there. They are going to quit for whatever reason. So
5 don't -- I think do like some of the federal agencies
6 do. You got a group of people who want to work the
7 department, you give them OJT, send them to the unit,
8 see if that's the kind of work you want to get them
9 into. And during that two weeks, you run your
10 background check on them. I venture to guess out of
11 20, you will probably have about ten that say, "Yeah.
12 Okay. I'll show up." Just a suggestion.

13 We pay inmate workers, lousy ones, 10, 15,
14 20 cents an hour to do absolutely nothing. They drag a
15 rake behind them like this and walk around like this,
16 and we pay them 20, 30 cents an hour. Why? It looks
17 like 90 percent of our inmates are working. Are they
18 accomplishing anything? No, but they are working.

19 Same thing with the kitchen. We have 30,
20 40 people in the kitchen working doing the work of 6
21 people. Give me six good ones, and ask any kitchen
22 officer, they will tell you. There will be 6, 7
23 workers, they'll do the work of the 30. The other
24 time, you have too many people in there doing a simple
25 job.

1 Retainment of officers. We have officers
2 retiring after 20 years going to work elsewhere. Why?
3 Why don't the department pay them? Why don't you open
4 up a drop program you once used to have and give them
5 their retirement in an account and let them continue to
6 work for the department? I can't see where it cost you
7 anything. They are willing to bring their expertise
8 and stay with the department, but we don't. We kick
9 them down the road, and they make -- you know, IMS pays
10 them 19 bucks an hour to work.

11 MR. GUENTHER: Are you getting close to
12 your main point?

13 CAPTAIN COOK: I am. Because I'm about
14 done. I think that's about it, if I can read my
15 writing. That's it. I'm done.

16 Any questions?

17 MR. GUENTHER: Well, I just wanted to make
18 a statement because we have talked to all the tactical
19 that were at Lewis/Morey for the 15 days, and that
20 involved the Maricopa County Sheriff's Office and the
21 Department of Public Safety. Who am I leaving out?

22 MS. MORRISON: DPS.

23 MR. GUENTHER: DPS and Maricopa County
24 Sheriff's Department.

25 MS. MORRISON: And the FBI.

1 MR. GUENTHER: And the Lewis tactical, as
2 well, and there was -- contrary to everyone's belief,
3 there was no tactical opportunity that presented itself
4 during the 15-day period where any tactical operation
5 could have been pulled off successfully, and that's
6 from the commanders on-site. And we talked to the
7 snipers. We talked to the -- a lot of people. A lot
8 of people said, "Oh, we had them in the sights
9 simultaneously on the second day." Well, that might
10 have happened on the second day, but one of the posts
11 was armed with a 253, which was not going to penetrate
12 any Lexan at all, so this debate probably will go on as
13 to whether it was the right way to do it or the wrong
14 way to do it.

15 CAPTAIN COOK: Well, here's the question to
16 keep in your mind. All these open yards -- and I don't
17 know if you are aware of this, but I'm sure you
18 probably are -- that those inmates could take any one
19 of those yards over at any time they want to. They
20 could take over any yard they want with the odds that
21 they got, that is 80 to 1, but the only thing we have
22 in place and the only thing the inmates worry about,
23 they can't keep the yard. They know that we are going
24 to come in and we are going to get them, and we are
25 going to take it back, and we are going to come down

1 fast, and we are going to come down hard.

2 MR. GUENTHER: And in any given yard, we
3 are going to do that.

4 CAPTAIN COOK: Now, with this thing at
5 Lewis, I'm worried about, okay, I've gone through the
6 grievance system. Everything didn't work out. Hey,
7 let's take a hostage here. All right. Let's go over
8 to the yard and they'll just piddle around and just
9 come on in whenever they feel like it, and by that
10 time, we can have our cup of tea.

11 MR. GUENTHER: One thing we have to all
12 remember is that that tower was designed a certain way,
13 and when that tower was compromised, you had a problem
14 with reversing itself. And it was designed to be
15 impenetrable, and it did prove to be impenetrable. The
16 problem was the bad guys were inside, not on the
17 outside.

18 CAPTAIN COOK: I'm not saying it wasn't
19 handled right. I'm saying either way, but I'm worried
20 because I need confidence that if I get into trouble
21 and I got to fight these inmates, that by God, somebody
22 is going to come in there and help me out.

23 AN AUDIENCE MEMBER: Most of these people
24 expect that, sir. I'm sorry, Cook -- Captain Cook.
25 I'm sorry to intervene here, but most officers expect

1 our tactical team to come get us. They are expected to
2 do that. I don't expect to sit in a damn tower for two
3 weeks waiting or hoping for somebody to guess what's
4 going on.

5 MR. GUENTHER: Okay. If you want an
6 opportunity to speak at the podium, that's fine.

7 CAPTAIN COOK: I think I've given my
8 opinion.

9 MR. GUENTHER: Okay. Thank you. I
10 appreciate it.

11 DR. STAPLER: My name is Patricia Stapler.
12 I'm a medical doctor -- I won't lean on this -- and I
13 have been with the department for 20 years. It was 20
14 years in January.

15 MR. GUENTHER: You don't do surgery, do
16 you?

17 DR. STAPLER: -- 20 years in January, about
18 half at Florence and half here at Eyman. Medical and
19 nursing have some of the same staffing issues as
20 security does. We have an issue with recruitment,
21 retention and quality. Again, in 20 years, I have
22 never seen a department aggressively recruit for
23 qualified physicians. They wait for physicians to
24 contact personnel and then will bring them in.

25 I have gotten direct mailings from the jail

1 looking for physicians. I have recommended in the past
2 the department send -- do direct mailings. I have been
3 told that they can't figure out who the primary care
4 doctors are, and so they can't do that.

5 We need to target primary care doctors.
6 The pay needs to be comparable to what primary care
7 doctors are being paid at HMO's, but they have never
8 attempted to do that.

9 Eyman is now down to -- I think we have
10 five medical providers. Five years ago, we had seven
11 and a half medical providers. The population was
12 younger and healthier. It was almost five years ago
13 that we went to sex offender yards. Our number of
14 chronic conditions significantly increased because the
15 population was older, and we got down to four and a
16 half providers a couple of months ago. Not only did
17 the inmates get sicker, but we had to take on
18 telemedicine, and we also have 20 percent of the
19 population with chronic hepatitis C, and we are now
20 supposed to be taking on that problem, and we have no
21 additional staffing. And if I could manage to work up
22 a lot of people, we run out of money for the staffing.

23 The quality of the staff overall for 20
24 years has been lacking. We have had some fine
25 providers, and we have had some very bad providers.

1 The physician that I worked with when I started was on
2 a limited license, and he went on to lose his license.
3 We had a physician terminated for faking physicals, and
4 he had been doing that kind of thing for a long time.
5 We've hired anesthesiologists, dermatologists,
6 neurologists, plastic surgeons, a cervical PA to
7 practice primary care. If we had a young, healthy
8 population, that might work out, but we haven't had
9 that for a long time, and it's inappropriate.

10 We had one PA that a few years ago I caught
11 doing physicals with inmates completely clothed. We
12 have people who can't follow diabetes. Recently, I
13 have seen several inmates -- and there's a lot of
14 movement, so actually, overall, Eyman has a pretty good
15 group here, but there's a lot of inmate movements. I
16 see charts from everywhere.

17 There are inmates who are on blood
18 thinners. They are not being appropriately monitored
19 with blood work. I found people on blood thinners who
20 shouldn't be on them anymore.

21 And the inpatient component -- in general,
22 the medical staff that's been covering the inpatient
23 component has been underqualified. I have done chart
24 reviews and peer reviews and a death note where some of
25 the treatment has been shameful.

1 MR. GUENTHER: We need a solution.

2 DR. STAPLER: The solution. The solution,
3 as one security person said, is to clean house. We
4 need a qualified medical person in central office to
5 oversee medicine. Most of the key contact providers,
6 in my opinion, in the department, are not qualified for
7 their jobs. They have also not been given appropriate
8 time to supervise. They need to be replaced for the
9 most part, and you probably have to hire from outside
10 the department. These people must be given time to
11 supervise.

12 I took some of my issues with our last
13 medical head, and he said the only way he could get rid
14 of the bad providers was to go to contract care --
15 because I have written letters or memos from the last
16 couple of years going through some of these issues. So
17 again, we need to clean house and hire the appropriate
18 staff.

19 And I want to make a comment regarding
20 medical reference material, because it affects nursing,
21 too. I have been told recently that I won't get a new
22 PDR, my drug reference, this year. The administrators
23 in central office decided I just needed it every other
24 year, even though this one will not include the new HIV
25 medications or cholesterol lowering medications. The

1 nurses have a drug reference book also that's 2001. If
2 you go into SMU II, you find reference books as old as
3 1987.

4 MR. GUENTHER: That's old. Medically, that
5 is very old.

6 DR. STAPLER: Medically, that's very old.
7 But administrators had been making more decisions, and
8 in my opinion, their issue is not quality of care but
9 how many patients are seen. So that provider, if their
10 numbers look good, that's more important.

11 MR. GUENTHER: Thank you very much.

12 SERGEANT PICKARD: Good afternoon, people.

13 My name is Dennis Pickard. I'm a Sergeant at the
14 Florence complex. Currently, I'm also the tactical
15 support commander. I'm one of the first responders at
16 the Lewis complex. I helped design the tactical plan
17 that was there, and for all the staff members, we did
18 the best we could as far as tactical. It was a
19 tactical nightmare to get into that tower. Okay. And
20 we knew if we had to breach that tower, we were going
21 to bring out four dead bodies, and that's the bottom
22 line, and that's why the Director decided to negotiate
23 it out.

24 The only reason the incident at Lewis
25 happened was because one or two officers didn't follow

1 the sound security procedures. Okay. The factors that
2 contributed to it was that the legislators decided to
3 build the Lewis complex out on Buckeye, where the
4 department did not want the Lewis complex built because
5 of the staffing concerns. Buckeye area is -- the town
6 around there doesn't have enough people to staff out
7 there. The department didn't want Lewis built in
8 Buckeye; the legislators put it there, so that's where
9 it became.

10 MR. BURKE: Why did the legislature put it
11 there?

12 SERGEANT PICKARD: Somebody wanted
13 something out there for the economy, I believe.

14 One of the other things is the fast-track
15 promotions that the department came up with. Instead
16 of having time in service when you learn your job and
17 learn what a correctional environment is, they
18 substitute years or a year of actual on-the-job
19 training over a year of college. I'm sorry, a business
20 degree does not teach you what a convict does. Okay.
21 It doesn't teach you how to run a prison.

22 Other incentives that have come along in
23 the past is pay incentives to get your degree, which I
24 agree with a hundred percent. They did away with the
25 steps from correctional -- a Correctional Cadet to a

1 Correctional Officer I to a Correctional Officer II,
2 then to a sergeant, lieutenant, captain. There should
3 be at least two years in between before you can
4 promote, period. You'll learn the next step going up
5 there.

6 Right now, we have captains in the
7 department with five years' experience. They don't
8 have the knowledge yet to pass on to the cadets in a
9 correctional environment to train their subordinates.

10 As far as their training, we have an
11 excellent training program. COTA is one of the best in
12 the nation. You have heard that all day long. The
13 in-service training was cut back because of staffing,
14 because we couldn't afford to let staff go 40 hours a
15 year for in-service training. We need to get back to
16 that in-service training and get them refreshed back
17 into what it needs to be and get them back on the right
18 track.

19 And the other thing the department needs to
20 adapt more is, it is not acceptable not to get anything
21 done. If you are not staffed right, properly, you need
22 to be able to lock down the yards and take care of
23 business the way it is.

24 We strive right now in the department to
25 get everybody to a D-level staffing. If I was in

1 school and I got a D in education, my parents are on my
2 butt. We should be striving for A-level staffing.
3 That's a hundred percent. D-level is supposed to be at
4 the minimal amount of movement there is, and we run
5 full operations from D-level.

6 So that's all I have.

7 MS. MORRISON: How long have you been with
8 the department?

9 SERGEANT PICKARD: 19-plus years.

10 MR. GUENTHER: Can you afford to retire?

11 SERGEANT PICKARD: Can I afford to retire?

12 Yes, I can.

13 MR. GUENTHER: Do you plan to retire?

14 SERGEANT PICKARD: I plan to retire, yes, I
15 do.

16 MR. GUENTHER: When you were on the tacs,
17 were you responding to Lewis?

18 SERGEANT PICKARD: Yes.

19 MR. GUENTHER: And were you one of the tacs
20 over there?

21 SERGEANT PICKARD: I was one of the tac
22 commanders over there, yes.

23 MR. GUENTHER: And have you heard the
24 saying there was never a tactical opportunity that
25 would have been even considered successful?

1 SERGEANT PICKARD: There's different
2 viewpoints on that. The final outcome came out
3 positive.

4 MR. GUENTHER: Was there ever an
5 opportunity to take out both inmates?

6 SERGEANT PICKARD: In some tactical
7 commanders' minds, there was; and in the
8 administration's minds, they didn't have faith in our
9 capabilities.

10 MR. GUENTHER: It is my understanding that
11 there was never positive ID's because of the switched
12 clothing that took place prior to the --

13 SERGEANT PICKARD: I'm not for sure at that
14 time. I heard both things. I was off duty when that
15 actually came through. I was off for the 12-hour shift
16 at that time. But when I went into relief, I heard
17 both things, so I can't answer that.

18 MR. BURKE: What day was that that you
19 heard that?

20 SERGEANT PICKARD: I can't remember. I
21 spent the first six days out there, 12 hours on, 14
22 hours on. By the time I briefed my team, got them in
23 place, you know, very few hours' sleep along with all
24 the wardens, everything out there, trying to figure out
25 how to resolve this situation.

1 MR. BURKE: We had testimony from -- our
2 tactical team from Lewis stated, several of them, that
3 there were -- they were not prepared to judge whether a
4 shot through that glass would be a direct shot without
5 a drop until the last couple of days.

6 SERGEANT PICKARD: I have been on the
7 tactical team since 1987. I have been a tactical
8 commander for probably the last six years down at
9 Florence. I have been to different schools; where
10 Lewis's tactical team is a new tactical team and hasn't
11 evolved up to the standard that I'm at as far as
12 knowledge. I went through Mesa tac school, Tempe tac
13 school and gun safe training and everything else that I
14 have done. So their -- their ability and mine are kind
15 of different.

16 MR. BURKE: Let me ask you this, then. Do
17 you think that there was an opportunity to shoot
18 through the glass with the weapons that you had and
19 have a direct hit without any kind of drop through the
20 glass?

21 SERGEANT PICKARD: The test fires that we
22 did out there showed that there would have been a
23 slight drop.

24 MR. BURKE: And when did you do the test
25 fires?

1 SERGEANT PICKARD: They were doing them the
2 whole time I was there.

3 MR. BURKE: And when did you reach a
4 certainty that the drop was an amount that could be
5 accurately judged?

6 SERGEANT PICKARD: Every sniper took a shot
7 out there, and they judged from where it was. It was
8 approximately a half inch, I believe, the average was
9 on the drop.

10 MR. BURKE: Well, that determination as to
11 what the drop was with a certainty, was that made in
12 the first couple of days, in the middle, near the end?

13 SERGEANT PICKARD: Probably towards the
14 middle, about day three, on that part.

15 MR. BURKE: So you believe that by day
16 three, the tactical team could take a shot through the
17 glass and was certain to determine what the drop was?

18 SERGEANT PICKARD: Yes, I do.

19 MR. BURKE: Because the only reason I
20 continue to ask you about this is, we had four members
21 of the tactical team speak to us saying that they
22 didn't believe there was certainty of the drop until
23 close to the 12th day.

24 SERGEANT PICKARD: Their opinion, sir. I
25 can't speak for them.

1 MR. BURKE: Well, my point is, it is kind
2 of troubling. You are here saying it was day 3, and
3 they were saying it was day 12. This is kind of a key
4 fact.

5 SERGEANT PICKARD: I know what my snipers
6 on the Florence tactical team are capable of doing. I
7 cannot speak of another tactical team and their
8 ability.

9 MR. BURKE: Okay. Fair. Was there anyone
10 on your tactical team that told you or two individuals
11 of your tactical team that told you at some point they
12 had both inmates in their --

13 SERGEANT PICKARD: No.

14 MR. BURKE: -- line of sight? Let me
15 finish that for the record.

16 You never had two of your tactical team
17 members tell you that they had two inmates in the tower
18 in the line of sight?

19 SERGEANT PICKARD: No.

20 MR. BURKE: But you have heard individuals
21 from other tactical teams who believe they did?

22 SERGEANT PICKARD: Yes. But I believe it
23 goes back to, at the time that they did, it was an
24 AR-15 and the 308 sniper rifle up there, is what my
25 understanding was.

1 MR. GUENTHER: Yeah. We had a 308 on one
2 post and a 223 on the other post, and the 223 is like
3 shooting a BB gun.

4 SERGEANT PICKARD: The 223 is a charging
5 rifle. It won't penetrate the window.

6 MR. BURKE: So it is your understanding
7 that there might have been an opportunity where both
8 inmates were in the line of sight, but the tactical
9 members who had those inmates in the line of sight were
10 not properly armed with a -- properly equipped with a
11 weapon that could not accurately penetrate the glass?

12 SERGEANT PICKARD: That's correct.

13 Any other questions?

14 MR. GUENTHER: No. Thanks again.

15 SERGEANT HAWKINS: My name is Sergeant
16 Hawkins. I'm a sergeant at SMU I. I'd like to start
17 off by saying that when -- with all due respect, sir,
18 when you said that you were looking at putting new
19 staff in SMU as starting off in SMU's, it's a mistake
20 looking for a place to happen. I came from a state
21 where the department basically started -- gave you baby
22 steps, and then when you grew within your profession,
23 then you can go to a super max.

24 I have been with this department for a
25 little over four years. I'm one of those people, very

1 few people, who are good officers and said, "You know
2 what? I'm not going to make very much as a sergeant,
3 but I'm going to do it anyway, because the people that
4 I work alongside deserve good supervisors." That's one
5 of our problems, is that the supervisors -- I don't
6 make anywhere near what a few of my officers make.

7 I supervise a total of six officers, and
8 they all, except for one, because she went through the
9 academy with me, make more than I do. Okay. If you
10 pay them, they will come. If this department would pay
11 its officers more coming out of COTA, then we could
12 raise the standards. We can say, "Look, we are not
13 going to take Billy Joe from Circle K because he's a
14 warm, breathing body." If we can pay our new officers
15 coming out of the academy more money, then we'll have
16 better staff.

17 The reason why I say putting new officers
18 in the SMU is a bad idea, because we have staff there
19 now -- I work there now. I have worked at SMU II when
20 I came right out of the academy. I worked alongside
21 officers who had no communication skills. They didn't
22 have to have communication skills because they are only
23 starting out at \$25,000 a year.

24 By putting them in a lockdown situation
25 right off the bat, they don't learn how to communicate

1 with inmates. They don't learn how to communicate with
2 each other. So by putting them in a place where they
3 are going to have a cell front in between them or
4 handcuffs with an inmate, it's not a good idea. They
5 need to learn communication.

6 MR. GUENTHER: Okay. How about Central
7 Unit?

8 AN AUDIENCE MEMBER: That's coming.

9 MR. GUENTHER: Not in my backyard, right?

10 SERGEANT HAWKINS: What I'm saying is, you
11 said SMU I, and I work at SMU I, and I work in a unit
12 where -- and because we don't pay a whole lot starting,
13 we get staff who in a temper tantrum destroy a drinking
14 fountain in a visitation area, and it had to be staff
15 because there is no inmates out in a lockdown unit.
16 See what I'm saying?

17 I am one of those people who promoted with
18 the degree. Okay. I have a four-year degree in
19 corrections. I have my bachelor's in corrections. I
20 have my bachelor's in applied psychology. I'd like to
21 think myself very literate.

22 The policies that we have are like reading
23 the Bible. They are open to anyone's interpretation.
24 You may read the policy and interpret it one way; I'm
25 going to read it and interpret the exact same thing you

1 just read in a completely different way because they
2 are not specific enough.

3 Last thing. I came from a department that
4 was very proactive in staff safety. The department I
5 feel is not proactive enough in staff safety. Like I
6 said, I work in the intake area at SMU I where we can
7 have up to 20 inmates leaving the unit and coming in in
8 one day. We have one holding cell back there to
9 conduct 20 strip searches, and the holding cell itself
10 is inadequate. It's been brought up. It's been
11 brought to their attention. It's been requested that
12 that be changed. And nothing is done.

13 I thank God that nothing has been done.
14 Nothing has happened to my officers or the
15 transportation officers that have come through yet.
16 But one day, something is going to happen because they
17 are being forced because of the way it's designed to do
18 strip searches on inmates that are coming out of a
19 super max prison unrestrained.

20 So I think the department needs to be more
21 proactive and listen to their supervisors on security
22 issues, because as a supervisor, I propose a change and
23 nothing came about.

24 That's all I have.

25 MR. GUENTHER: Good points.

1 MR. BURKE: Very, very good points.

2 MR. GUENTHER: We thank you for taking that
3 time. We are going to have to take a few minutes. You
4 almost made it. Did you want to buy a ticket on the
5 multiplier or not? No.

6 We have to do a phone interview for a few
7 minutes here, and then we are going to come back and
8 take another 30 to 40 minutes of testimony before the
9 end of tonight. So if you will just bear with us for a
10 little bit, we will give the recorder here a chance to
11 reload and to refresh herself.

12 (The hearing was at recess from 4:57 p.m.
13 to 6:25 p.m.)

14 MS. RHODEN: My name is Karen Rhoden. For
15 the first seven years I was employed with the
16 Department of Corrections, I served as law librarian.
17 I was the last law librarian employed by the Department
18 of Corrections. Currently, for the last three years, I
19 have been the librarian at the East Unit before today.

20 I originally came here today to stand in
21 solidarity with the finest employees I have ever worked
22 with in my many years of professionalism. Today, I
23 heard issues of confidence of protection. I have stood
24 in the yard through three riots where you have seen a
25 wave of orange all around you. As current as last

1 summer on East Unit, I was literally in the middle of a
2 riot on East Unit.

3 Never once have I felt in fear of my life
4 or my protection with the men and women I work with.
5 As a nonuniformed staff member, I do have complaints.
6 I have complaints for what has changed in DOC as far as
7 communications with other nonuniform staff. We do not
8 attend briefings with the 15-minute modules and
9 training. We don't receive it. We don't receive the
10 mentoring that I used to receive.

11 MR. BURKE: Did you before?

12 MS. RHODEN: Oh, yes.

13 MR. BURKE: When did it stop?

14 MS. RHODEN: In the last three years. But
15 it was a thing where you went to training, you had an
16 opportunity as a nonuniform staff to enter with the
17 uniform staff on a -- away from the unit to where you
18 could ask questions -- what about this particular
19 scenario; what about in this situation -- and the
20 training was wonderful. I looked forward to it. I
21 learned from it. There was mentoring on the units when
22 there was more staffing for the nonuniform staff.

23 MR. BURKE: Were you told why it was
24 stopped? Were you given a reason why they stopped?

25 MS. RHODEN: We watched it with the

1 lowering of staff members. Everybody's taking on
2 double duties, you know, they are busy. They are busy
3 working, and there isn't the time and the one-on-one
4 availability.

5 I make it a point to go and find it. If I
6 have a question, I make it a point. It is not what I
7 see as the norm. I am not the average nonuniformed
8 staff member, because I will go. I will ask questions.
9 I have from day one, but what I watch in nonuniform
10 staff on a unit -- teachers, health unit workers,
11 Canteen -- okay, that are not checked, are not given
12 stricter guidelines and enforced for them. I see lack
13 of supervision on the part of these people. They are
14 in classrooms with 35 to 50 students without security
15 present. There are librarians who have at any one time
16 25 to 30 people, no uniform staff anywhere near their
17 area.

18 MR. BURKE: Are you provided a radio?

19 MS. RHODEN: Yes.

20 MR. GUENTHER: That works?

21 MS. RHODEN: Sometime. But if it doesn't,
22 I call. I know -- you know, I'm not going to sit
23 around and go all day without a radio that didn't work,
24 and I go to somebody and say, "You are a fool." It is
25 there if you call and use the sources.

1 But what I watch is inmates taking
2 advantage of nonuniform staff. Like with computers, I
3 will give you a perfect example what happened last
4 week. I received in the mail copies at North sent to
5 East using the interdepartmental mail system. It is
6 very easy. You slap something on. It comes, you
7 think, from a teacher or an educator, and it is mail
8 for an inmate that's just given to them. And what it
9 was was Islamic calendars printed on a computer, put
10 together in the room with the little spirals and sent
11 to another inmate on my unit.

12 The one it was sent to brought it to me and
13 said, "I didn't solicit this." I knew where it came
14 from and I took care of it, but I went to go see a
15 captain that I know on that unit, so I know it was
16 taken care of. It should have never gotten out there.
17 And we have other complaints with the interdepartmental
18 mail being used by inmates from one unit writing to
19 inmates in other unit and using our own thing. It's
20 not checked.

21 We hear the thing of a dysfunctional
22 family. This is not my family. My family is out
23 there. We are professionals, and we need to get more
24 professional. I have seen standards lowered. I have
25 seen demands not being made as far as the simplest

1 thing. I have often joked that, you know, that I can
2 take anything into the unit. I would never do it. I
3 would never jeopardize that, but too often, my things
4 are not checked. They should be. I could take things
5 in, and things are being brought in.

6 And this is an area between training and
7 stricter guidelines with nonuniform staff I would like
8 to see done, because it jeopardizes everybody, and I
9 don't want to see anybody that I work with -- because I
10 work with the finest people every day and I feel safe.

11 Thank you.

12 MR. BURKE: Thank you.

13 MR. GUENTHER: Thank you.

14 CO II WARRICK: My name is Officer Warrick.
15 I work at Central Unit. I have been there seven and a
16 half years, and I'm real proud to say I have excellent
17 supervisors. I have had a long line of excellent
18 supervisors. I have had people I can go to that I can
19 ask for help. I feel like I do my job, and I see
20 morale going downhill for several reasons and probably
21 a whole lot more.

22 I'm not going to drag up the money and all
23 this stuff that's been talked about, but our insurance,
24 as of the 12th of February, there are all kinds of
25 people that are no longer accepting our PPO's coverage.

1 When we came out of COTA, you had to earn
2 your -- well, you didn't have to earn it; you used to
3 have to earn your CO II. When I started, you had to
4 work 18 months. Now you come out of COTA, you are a CO
5 II. When somebody walks in and says I am a CO II, I
6 have expectations from officers that walk up and says
7 she's a CO II, or he says. I figure they came from
8 another unit and that they have some experience. They
9 don't.

10 I think it makes it harder for us to have
11 to put in the time to except that somebody can walk in
12 and say they are a CO II with no expectations. It's
13 hard to keep up your morale when people walk in -- and
14 COTA does a good job. You are never -- no one can get
15 through COTA and walk into a unit and say they are
16 ready. They shut that gate behind you in Central Unit,
17 there's a big clang, and you are locked in, and you
18 aren't ready for it. I don't care how long your COTA
19 training is. It's a good start, and we have excellent
20 officers in there that work, but when you are sending
21 people in that you have an expectation of and they
22 can't fulfill it and you can't expect them to, but if
23 they say CO I, you know they need your help. You
24 expect your CO II to have something.

25 There's another one that gets us. Say

1 somebody makes sergeant or lieutenant and they need
2 more money, so they quit. They take the money out and
3 they come back. They come back as a CO II with their
4 lieutenant's pay, plus ten percent. It doesn't make me
5 want to quit and come back, no, but it makes me think
6 real long and hard about it. I don't think that's a
7 good incentive to me, to those of us that want to stay,
8 you know, and keep our stuff current.

9 And I think I'll give everybody else a
10 chance, but those things between the insurance and the
11 people that can come back with less time than I have
12 but make more just because they give them that
13 incentive, it's kind of hard to live with.

14 MR. GUENTHER: One thing you might be happy
15 to know, and that is the State will be going to a
16 self-insured health program within the next 18 months.

17 CO II WARRICK: Well, I hate to admit this,
18 but I don't know, self-insured?

19 MR. GUENTHER: What it means is, it is
20 going to be a lot less expensive because we are not
21 paying the profits of stockholders in another share,
22 and we will be able to buy the actual logs of doctors
23 that will be able to give you a better choice,
24 regardless of whether you are in rural Arizona or in
25 the cities of Phoenix or Tucson.

1 CO II WARRICK: So that's one thing I like
2 being out here, I do have a choice, but you still want
3 to get something you are paying for.

4 MR. GUENTHER: Right. And there is going
5 to be some pain in the transition, but I think in the
6 end, you will find it is much more affordable with much
7 more choices when we do go to that system.

8 MR. BURKE: I have one quick question.
9 When you come out of COTA, you are automatically a CO
10 II?

11 CO II WARRICK: The day you come in, you
12 are considered a CO II.

13 MR. BURKE: And the prior system was you
14 would come out of COTA and be a CO I?

15 CO II WARRICK: CO I.

16 MR. BURKE: So if you are under the current
17 system and you come out of COTA and you are
18 automatically a CO II, that individual is still on a
19 probation period?

20 CO II WARRICK: They still have a probation
21 period, but when somebody walks up to you and you see
22 their badge -- I'm sorry. I work in a unit that wears
23 vests, so most of us wear these, but if you are in your
24 class A's and you have your name tag on, it says CO I's
25 and CO II's.

1 MR. BURKE: There is no indication, though,
2 from appearance that the individual would be on
3 probation?

4 CO II WARRICK: No.

5 MR. BURKE: The term when someone is
6 transferred from one unit to another, is it
7 cross-leveling?

8 CO II WARRICK: No, that's something
9 totally different.

10 AN AUDIENCE MEMBER: Lateral, you mean when
11 the complex wants to take one from one unit?

12 MR. BURKE: Yeah.

13 AN AUDIENCE MEMBER: It's cross-leveling.

14 SERGEANT MASELLA: Not transfer.

15 CO II WARRICK: That's maybe for a day, if
16 you are short.

17 MR. BURKE: Right. But here is my point,
18 because of the current system, an individual fellow
19 officer could be cross-leveled and working with you,
20 and you are not aware of what experience level that
21 individual has?

22 CO II WARRICK: Anybody that comes from
23 somewhere else, in Central, we try to be particularly
24 nice to them just because we need them there. But you
25 have an expectation. When it was 18 months to get to

1 your CO II, you knew that they -- they knew how to fill
2 out a journal. They had a better understanding of what
3 security is. They can preach to you in COTA, but when
4 you get down there with these inmates, it becomes a
5 whole different ball game.

6 MR. BURKE: Well, the prior system of the
7 uniform would indicate the level of experience, which
8 is no longer indicative of --

9 CO II WARRICK: Yes.

10 MR. GUENTHER: When you say that you are
11 wearing vests, you are wearing stab vests?

12 CO II WARRICK: Yes.

13 MR. GUENTHER: Full time on Central?

14 CO II WARRICK: Yes. Well, if you are
15 having inmate contact. There are places that don't,
16 but even the nonuniform staff, if they are going in the
17 building -- chaplains, education, law librarians, that
18 sort of thing -- they all wear them and glasses
19 hopefully.

20 MR. BURKE: Next.

21 CO II COHEN: My name is Officer Cohen. I
22 have worked at Meadows Unit since I have been with the
23 department since June of 1995. I am not very good at
24 doing this. I want to talk about security. I want to
25 talk about supervisors, the quality of supervisors. As

1 a CO, I had brought to attention things that I noticed
2 on the yard with other officers. For example, not
3 doing their security checks, walking up to the doors
4 and saying, "Are you okay," to the officer, and then
5 walking out and not walking the runs. And that is
6 probably going to open up a can of worms, but I don't
7 care.

8 I am an officer that loves my job, and I
9 believe in high security. I worked on a chain gang,
10 and security is just -- it's a constant issue with me.
11 Supervisors don't listen to you. They tell you that
12 they have better things to do than sit and watch an
13 officer do their security checks from yard control.
14 It's very difficult. And then you are chastised for
15 saying something.

16 It's extremely frustrating, but we need to
17 have -- and on the order of Ms. Warrick, too, the CO I,
18 CO II thing, that's -- we have people over at Meadows
19 Unit who have been -- who are brand-new CO's who have
20 been there for less than a month who are on the yard
21 and running East and West and also running around and
22 not doing security checks. The old people are teaching
23 them not to do security checks. It's -- it's sad.

24 That's all I have to say.

25 MR. GUENTHER: Thank you.

1 WARDEN TRUJILLO: This is the stab vest
2 that the officers in Central Unit at CB-6 and SMU I,
3 SMU II wear.

4 CO IV ROMWEBER: What size is that?

5 WARDEN TRUJILLO: We have different sizes
6 for different size officers for the officer to fit, and
7 we have different sized panel inserts that they go in
8 there.

9 MR. GUENTHER: That's like snake leggings I
10 used to wear on the field.

11 SERGEANT MCKELLAN: I'm Gordon McKellan,
12 M-c-K-e-l-l-a-n. I'm a sergeant at Rynning Unit, and
13 the reason I'm here today is I always have a concern
14 about the State. We are talking about money, saving
15 money, but yet, within the department, we extravagantly
16 throw money away. I'm going to use myself as an
17 example. The first time I tested for lieutenant, they
18 shortcut the list. Normally, there is like 70 or 80 on
19 the list. The first time I tested, there was 38 on the
20 list, so I didn't make the list, but that's typical for
21 the first time.

22 So then the next time, I said, "That's all
23 right. I'll go ahead and test." So I went on
24 vacation. When I came back, I found out that the
25 lieutenant list, the application process had opened and

1 closed, so I missed that one.

2 So now last year in February, I tested
3 again for lieutenant. I thought I did really good. I
4 was 40th in the State of Arizona. I have been sitting
5 on a list since April 28th of last year with the
6 prospects of not promoting because the State decided
7 they wanted to run two lists at the same time. They
8 are going to keep the old list and they are keeping the
9 new list.

10 Well, as of last week, we finally got the
11 first person on the new list promoted, so that still
12 means Florence Eyman complex, I have to wait for 11
13 more positions to open up. One of the problems I'm
14 having is, I can't get information. Policy is very
15 specific about what you are supposed to do when you
16 have a vacancy. We don't appear that we follow that.

17 We allow officers, in particular,
18 lieutenants, to resign, walk away from the department,
19 come back and take the lieutenant position back while
20 those people who are currently trying to have a career
21 with the department sit and waste away on these lists.
22 Okay.

23 So as of April 28th -- well, it won't
24 happen on the 28th of this year, but it will probably
25 be as soon as we get done testing and doing the oral

1 boards, and the new list that comes out, the list that
2 I'm on, is going to die. Maybe we'll have one
3 lieutenant that has promoted, but since then, we have
4 taken all these people that want to lateral back here,
5 all the people that went and quit and got reinstated,
6 they get their lieutenant positions back. So what we
7 are going to do, instead of using our current list that
8 we spent all this time and energy to create, we are
9 just going to throw it away and start all over again.

10 To me, that's a horrible waste. It's very
11 demoralizing. I was talking to one of my colleagues
12 who's sitting here that's in the same predicament. I
13 don't really feel appreciated. I don't feel like -- I
14 feel demoralized. I feel like I'm not really worth a
15 whole lot.

16 I have nine years with the department. I
17 have always had a good attitude. I have no
18 disciplinary. I have no attendance problems, but yet,
19 when you go get a promotion, those things are not even
20 considered. They only want to know how much you can
21 write on a test and how much you can regurgitate to an
22 oral board, and some of us are not very good speakers.
23 And it doesn't really -- I don't think that we really
24 stand tall when we go in front of the oral board.

25 So what I'm trying to say is, I think we

1 need to take a look at our hiring process, our
2 promotion process exactly. When I came in, I was a
3 cadet. I was a CO I, and then after 18 months, I
4 promoted to CO II. I got off easy. I got my CO II
5 handed to me. I believe we need to go back; when you
6 are a CO I, you want to have a career, move to CO II,
7 you test for it. If you have the experience and the
8 knowledge and you are a senior officer and a CO II, you
9 promote, you get that CO II. But we need to stop
10 giving things away. We need to stop spending money
11 foolishly.

12 We need to screen the people coming in to
13 COTA and say, "Hey, you know, when the times get bad,
14 are you going to turn and run, or are you going to
15 stand there and fight with us?" I know it's a scary
16 situation. I think the whole nation has learned a lot
17 in the corrections field about what happened to us poor
18 little people here in Arizona. Okay. I hope we
19 learned from it, and we don't relive it.

20 I've only got two more things to say and
21 I'm going to get out of here. You know, for the
22 record, I want to say that I'm quite proud of our
23 Governor and our Director. They brought my colleagues
24 home alive. I think that was outstanding.

25 Another thing is, is our legislature needs

1 to wake up before we all go home, and we can't work
2 here anymore because we are overworked, overtired,
3 underpaid. We can't -- it's terrible when you can't
4 afford to work at a job. And I've seen officers leave
5 here because they can't afford to live off of this
6 wage.

7 So thank you for your time.

8 MR. GUENTHER: Thank you.

9 MR. BURKE: I think you did a pretty good
10 job of public speaking there. I think you are
11 underestimating yourself.

12 CO II ALVAREZ: I'm CO Alvarez, Central
13 Unit. Everybody has basically covered everything I
14 want to talk about, so I want to talk about staff
15 safety. I have only been on the job for ten months at
16 Central Unit. It's a level-five facility, and that's
17 quite a place to start off. You definitely get quite a
18 bit of experience working a lockdown unit. But as far
19 as that goes, we do have cellblock two, which is 156
20 inmates that are unrestrained. They are workers,
21 porters, that come out at any time to work in the
22 kitchen, work on the yard doing basic maintenance jobs,
23 landscaping, plumbing, electrical.

24 At any number of time, we'll have, say, 20,
25 30 inmates out on the yard working. Now, they have

1 class A tools from wrenches, pipe wrenches, rakes
2 brooms, shovels. You name it, they have got it. Now,
3 some of these more dangerous weapons, they should have
4 a maintenance worker with them, but all it takes is for
5 one of these guys who's working with the wrench to hit
6 that maintenance guy, and they have access to all these
7 tools.

8 Now, let's see. You have 156 inmates in
9 cellblock two at any one time on the yard. You can
10 have your landscapers, plumbers, electricians out, and
11 at the same time, say we are feeding a building,
12 cleaning cellblock two, for either breakfast or dinner.
13 We have slowed it down to one run at a time. Now, at a
14 run, you have 26 inmates, so say you only feed one run
15 at a time. Say we are slow feeding; you have 26
16 inmates in the kitchen to eat. You have about another
17 20 to 30 in the kitchen making the food, and you have
18 got about 20 on the yard.

19 Now, at our best, say we have 40 officers
20 on the unit working. You have got desk officers who
21 can't leave their post. You have tower officers who
22 can't leave their post. You have got officers in the
23 medical unit, so you have a very limited number of
24 officers on the yard who are actually available.
25 Should anything go down, say, a staff assault, you

1 really don't have too many officers who can show up to
2 the scene. And as of lately, we have had a couple of
3 instances where we have needed the officers there, and
4 luckily, these people do show up.

5 But as far as safety is concerned, we are
6 outnumbered big time. And as you have heard before, at
7 any time if they wanted to take the yard, they could.
8 And it's been said we can take it back, but who wants
9 to wait two weeks to get that yard back? We shouldn't
10 be subject to that.

11 Now, as I was saying, they could have
12 rakes, brooms, shovels, wrenches, a can of OC gas. It
13 doesn't help a whole lot unless you spray them directly
14 in the face. They might cough a little bit, but if
15 they are coming at you with a broom or they break the
16 handle off a rake, they have got quite a bit of reach
17 on you.

18 MR. BURKE: How about a taser?

19 CO II ALVAREZ: We have five tasers on the
20 yard, and I was going to bring that up, five tasers.
21 Even if we have 30 officers available to use them, we
22 only have five.

23 MR. BURKE: How do you decide which five
24 get --

25 CO II ALVAREZ: The ones who get the

1 training. And as of the moment, who knows how many who
2 actually have training. We probably have had about --
3 we probably have about five per shift who are available
4 to use them.

5 MR. BURKE: Do you know how long the
6 training takes to use the taser?

7 CO II ALVAREZ: It's a couple-hour class.
8 It could be even a whole shift, even eight hours, but
9 we definitely need people trained to use the tasers,
10 and we need more tasers. And even with the tasers, we
11 need better quality tasers. As of lately at Central,
12 we have had three that I was actually there for, three
13 shootings with the tasers where they didn't even
14 penetrate the inmates clothing. So you have two
15 inmates going at each other. The majority of the time
16 we use them is when inmates are assaulting each other.
17 But all it takes is for the inmate to be coming at you,
18 and you shoot, and it doesn't go through the inmate's
19 jacket or pants.

20 So not only are we short staffed armed with
21 a can of gas, yet, you know, hope to God it works, but
22 they -- they outnumber us. They got more weapons than
23 we do, and the weapons that we do have available to us
24 just aren't working.

25 You have seen those vests. I didn't really

1 think much of it, but those insert seams, we are just
2 not keeping enough of them. It's kind of hard to find
3 ones that actually cover your body. If you put that
4 vest on, you have this large portion here that is open,
5 and that's where all your major organs are, and even
6 your neck, and I'm not talking about walking around
7 with these giant collars on, but we need equipment. If
8 we are going to do this job, if we are going to be in
9 the lockdown unit, and if we are to be paid this
10 high-risk pay, we need to take it serious, because it
11 is a high-risk job.

12 In COTA, they teach you -- self-defense is
13 ridiculous. COTA was definitely great training, but
14 out of the seven weeks that you are in COTA, you get
15 two days' worth of self-defense, and they tell you
16 there if have you any martial art training or any
17 boxing training, throw it out the door. And I think
18 what the problem is, they are worried about liability.
19 They don't want you to hurt an inmate. And, you know,
20 we get hurt all the time, and, you know, it doesn't
21 make the news unless you are bleeding or dying. But
22 you hurt an inmate, you are getting sued.

23 MR. BURKE: You are discouraged from using
24 your martial arts?

25 CO II ALVAREZ: Yes. They teach you these

1 techniques that are -- basically, if you use these
2 techniques, they are going to get you hurt. Simple
3 blocking techniques, they want you to use both your
4 hands like this (indicating). Well, then you leave
5 your face open to attack, your knees or your lower
6 body. They want you to punch like this. No turning
7 and twisting, punching like this. It's ridiculous.
8 And even if they did give us decent training, two days
9 out of seven weeks is not enough. And it's two days in
10 the fifth week, I believe.

11 And physical fitness training, I don't
12 believe I'll offend anybody here, but you have seen the
13 quality of some of our staff members, overweight. And
14 I apologize to anybody who may feel overweight, but
15 there is absolutely no physical fitness requirements
16 once you leave COTA, and even in COTA, they are lax,
17 very lax. So I think that needs to be something that
18 is looked at, because, you know, if I'm on the yard and
19 I need somebody to come to my rescue and they are 20,
20 30 pounds or more overweight and they are out of breath
21 by the time they get there, I don't know how much good
22 they are going to be to me.

23 I believe that's all I have.

24 MR. BURKE: Thank you, sir. I appreciate
25 it. That was very helpful.

1 MR. GUENTHER: Do you have just a couple of
2 points?

3 SERGEANT SHAW: Maybe real quick here.
4 I'll keep them brief. My name is Bobby Shaw. I'm a
5 sergeant at SMU II. I have been a sergeant at SMU II
6 for two and a half years. I have worked all the
7 shifts.

8 Also, to clarify a couple of things that
9 the previous officers stated, I am a taser instructor,
10 so I can give you a little bit of information on that.
11 The probes on the taser are a quarter of an inch long,
12 and that's the actual part that will embed, either on
13 the clothing or the skin, and that's designed to work
14 up to two and a half inches of clothing. That doesn't
15 always work but up to two and a half inches. It's an
16 eight-hour course to become a taser instructor and also
17 a two-hour course to become taser certified to be able
18 to use it.

19 A couple of things.

20 MR. BURKE: I take it you think it's an
21 effective weapon?

22 SERGEANT SHAW: Absolutely. I have used it
23 a few times in a lockdown unit, SMU II's, they are
24 behind the cell fronts. We have nothing but time in
25 order to deal with that. A violent individual,

1 whatever the situation may be, unless he is actually
2 creating self-harm, we have time to deal with that
3 inmate.

4 MR. BURKE: What about in the yard in the
5 Morey Unit?

6 SERGEANT SHAW: The taser is really only
7 effective to one of the two inmates; two, only if they
8 are touching, and you are able to put a probe in each
9 one of them. It is not really effective for more than
10 one, in my opinion. There are other weapons, less than
11 lethal weapons that would be, in my opinion, better
12 suited such as a pepper-ball launcher where you can
13 fire multiple rounds in a short amount of time, and
14 that's a less than lethal weapon. A taser on an open
15 yard, I don't think is effective.

16 A couple of the issues I want to address;
17 one is training. I'm also the training officer for SMU
18 II. My experience with the Department of Corrections
19 in Arizona has been nothing but positive. I left a
20 different Department of Corrections to come here, and
21 Arizona in most ways is far superior.

22 The one area that I do find lacking is in
23 the training. I came out of New Mexico. New Mexico's
24 training is almost exactly the same as Arizona, the
25 exception is, their course is eight weeks long, and it

1 includes a week worth of self-defense.

2 MR. BURKE: A week?

3 SERGEANT SHAW: A week. That includes
4 baton training and closed-quarters handcuffing. Okay.
5 As the officer stated, that most of it is blocking
6 techniques, New Mexico's academy taught handcuffing
7 techniques while you were in a cell, and you have no
8 way out of escape; you need to be able to defend
9 yourself, and that's what they taught. I was with New
10 Mexico for a year. In that time, I went to training
11 for a week at a time, three times. And in that week, I
12 also had baton training and self-defense. That's
13 something that Arizona does not do at this point, does
14 not have any self-defense after you leave COTA unless
15 you are a special -- assigned to TSU or something.

16 I think one of the things that has been
17 failed to be mentioned ever since everything happened
18 at Lewis is that everybody's -- the inmates stated that
19 was an escape that failed, so there was one point there
20 that we foiled that escape attempt, and that is our
21 primary duty to protect the public. So I think that is
22 one thing that has been overlooked.

23 MR. BURKE: Very good point.

24 SERGEANT SHAW: Since the situation stood
25 down at Lewis, I know at SMU II, we have gotten between

1 10 to 15 inmates from the Lewis complex, that is Morey
2 Unit, Stiner, for basically staff assaults or some kind
3 of violent action. I'm pretty sure that SMU I has
4 gotten close to the same amount.

5 I have had officers who work for me went to
6 Lewis to work overtime, and they stated that they never
7 once saw a supervisor on the yard. One thing I wanted
8 to make clear is this seems to be prevalent basically
9 just at the Lewis complex. I don't see that happening
10 at any other complex that I talked to, and I talk to
11 all the different units.

12 MR. BURKE: Meaning the assaults on
13 officers?

14 SERGEANT SHAW: No, meaning that the
15 officer that I had working for me worked the Lewis
16 complex, he went to Morey, and the only time he ever
17 saw a supervisor was at briefing.

18 MR. BURKE: I see what you are saying. So
19 what's prevalent is a lack of seeing a supervisor at
20 the Morey Unit?

21 SERGEANT SHAW: Lack of seeing supervisors.
22 You have a lack of experienced staff, a lack of
23 effective inmate discipline, where, if you have a
24 security issue with an inmate, you have a supervisor
25 goes down to deal with it, and he says, "Just go ahead,

1 leave them alone, write them a ticket." That's not
2 effective.

3 The incident I am talking about in
4 particular was where an inmate was in an isolation
5 cell, apparently had a camera in that isolation cell;
6 the inmate had covered the camera. That's a security
7 issue. We need to go in there and take care of it.

8 MR. BURKE: An inmate had a camera?

9 SERGEANT SHAW: No. There was a camera in
10 an isolation cell looking at the inmate, and the inmate
11 goes in there and covers it. And instead of going in
12 there and pulling the inmate out and uncovering that
13 security device, the response was, write him a ticket.

14 SERGEANT MASELLA: Mr. Burke, what's
15 prevalent in the Lewis complex basically in plain
16 English is the inmates are running the complex.

17 MR. BURKE: Let's clarify this. Is your
18 testimony about Lewis complex in general or the Morey
19 Unit?

20 SERGEANT SHAW: The Lewis complex in
21 general. The inmates that we are getting are from most
22 of the units at the Lewis complex, definitely Morey and
23 Stiner Unit, and I believe it was Buckley that we've
24 gotten inmates from. So it is not isolated to Morey.
25 It's the complex. And again, from what I can tell,

1 it's just Lewis. It's not the rest of the Department
2 of Corrections.

3 One of the things that our department
4 hasn't initiated yet is the PO program, and that's a
5 program that they started back in September, and that's
6 a two-day function where the cadet in their fifth week
7 will come up and actually go to the unit that they are
8 supposedly going to be assigned to, and that has been
9 done a lot towards getting staff a little bit more
10 comfortable with what they are going to be doing.

11 Before they started this, we would get
12 officers in from COTA, and a few particular instances,
13 they quit after being in there. It was a waste of time
14 to send them to COTA. They got, what is it, \$10,000 to
15 train them or some figure like that, and they quit
16 within a week.

17 We are getting a little bit better
18 retention. Again, this program has only been in place
19 since September. The talk is they are going to extend
20 this to a four-day program where the officer will spend
21 four days in the unit that they will be assigned to,
22 and that's a good thing.

23 Some of the other things that have been
24 addressed are retention. Again, I'll just touch base
25 on this. That's pay. You pay people what they are

1 worth, they are going to stay. I'll give you one
2 example myself. An officer that I used to supervise --
3 I have prior experience, more time in the department,
4 more time in grade, plus hazardous duty pay -- this
5 officer is now a sergeant and makes more than me.
6 I've been in the job for two and a half years. He just
7 promoted. I have more time in the department. He's
8 not getting a hazardous duty pay and I am. Hazardous
9 duty pay is \$60 a month. You have heard some of the
10 other officers tell you what it involves. We are in
11 the vests all day long, feeding, rec'ing, showering,
12 handcuffing the inmates, taking them to education,
13 violent individuals, and \$60 a month is not enough.

14 MR. BURKE: Got it.

15 SERGEANT SHAW: I don't have anything else.

16 MR. BURKE: Thank you, Sergeant.

17 This was extremely helpful. I want to
18 thank you, the warden, and the deputy warden for making
19 this room available, and I want to thank all the
20 employees who came today and spoke their minds. I can
21 tell you with full earnestness that the recommendations
22 are going to be given serious, serious considerations
23 by us as they are presented to the Governor.

24 Thank you.

25 (The hearing concluded at 6:55 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings had upon the foregoing hearing are contained in the shorthand record made by me thereof, and that the foregoing 248 pages constitute a full, true, and correct transcript of said shorthand record; all done to the best of my skill and ability.

DATED at Phoenix, Arizona this 1st day of March, 2004.

Marcella L. Daughtry, RPR
Certified Court Reporter #50623